

# EXHIBIT H

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT  
OF PENNSYLVANIA

\* \* \* \* \*

DAMON CHAPPELLE,	*
Plaintiff	* Civil Action - Law
vs.	* No. 11-0304
DAVID VARANO, JOHN	*
DUNN, DEBORAH HERBST,	* (Judge Conner)
MICHELLE KODACK and	*
RENEE FOULDS,	* Electronically Filed
Defendants	*

\* \* \* \* \*

DEPOSITION OF  
JOHN JANIS  
August 8, 2012

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DEPOSITION

OF

JOHN JANIS, taken on behalf of the Defendants  
herein, pursuant to the Rules of Civil  
Procedure, taken before me, the undersigned,  
Kayla Bolze, a Court Reporter and Notary Public  
in and for the Commonwealth of Pennsylvania, at  
the offices of Riverfront Office Center, 1101  
South Front Street, Harrisburg, Pennsylvania, on  
Wednesday, August 8, 2012, beginning at  
9:32 a.m.

A P P E A R A N C E S

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I N D E X

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WITNESS: JOHN JANIS

EXAMINATION

By Attorney Keating 7 - 48

EXAMINATION

By Attorney Tobin 49 - 144

RE-EXAMINATION

By Attorney Keating 144 - 145

DISCUSSION AMONG PARTIES 145 - 146

EXHIBIT PAGE

			PAGE
	<u>LETTER</u>	<u>DESCRIPTION</u>	<u>IDENTIFIED</u>
5	A	DOC16E Document Closed	
6		7/30/09	30
7	B	Order to Release on	
8		Parole/Reparole	31
9	C	48 Hour Order to Detain	36
10	D	Appeal Documents	48
11	E	PBPP-15	64
12	F	PBPP-39	120
13	G	Official Recommit Order	
14		4/16/09	126
15	H	Order to Recommit	
16		4/17/09	129
17	I	Order to Recommit	
18		7/29/09	138

OBJECTION PAGE

ATTORNEY

PAGE

Keating 66, 70, 76, 91, 96, 128, 141, 143

Robinson 74, 76, 109, 133, 134, 143

Tobin 145

P R O C E E D I N G S

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JOHN JANIS, HAVING FIRST BEEN DULY SWORN,  
TESTIFIED AS FOLLOWS:  
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EXAMINATION

BY ATTORNEY KEATING:

Q. Mr. Janis, my name is Timothy Keating. I'm here on behalf of the Office of Attorney General and I represent the Defendants in the case of Damon Chappelle versus Varano, Kodack, Herbst, Dunn and Foulds. They're all employees of the Department of Corrections. Have you ever been deposed before?

A. No, this is my first time, sir.

Q. Typically what we do is that I will go through a set of instructions, how the deposition works and stuff like that. Then I will ask you a series of background questions, your education and that sort of thing. And then I'm going to ask you questions about how Probation and Parole works, more general questions about that. And we're going to talk about Mr. Chappelle who's also known as Mr. Jessup. Okay. Is that fair?



1 A. Sounds good, sir.

2 Q. Okay. Initially one thing is, you have to  
3 answer all the questions verbally. You can't  
4 just shake your head yes or no because we have a  
5 court stenographer and it has to go on the  
6 record. Okay?

7 A. Understood.

8 Q. Okay. If you don't hear a question that I  
9 ask because I slur my words or I do not speak  
10 loudly enough, please let me know and I will  
11 repeat the question. Is that fair?

12 A. Okay.

13 Q. And if I ask you a question you don't  
14 understand because the question is confusing,  
15 tell me that and I will restate the question and  
16 we'll try to clear away the confusion for you.

17 A. Okay.

18 Q. So I ask you a question, you answer a  
19 question I'm going to assume you heard the  
20 question, understood the question and you're  
21 answering to the best of your belief, knowledge,  
22 understanding, et cetera.

23 A. Okay.

24 Q. Are you currently on any medications or  
25 anything at all that would stop you from

1 understanding questions and answering them  
2 truthfully and honestly?

3 A. No.

4 Q. If I ask you a question and you don't want  
5 to answer it because it's too personal for  
6 whatever reason, we can take a break and you can  
7 talk to Counsel about that and we'll figure it  
8 out.

9 A. Understood.

10 Q. I don't anticipate in this type of  
11 deposition that occurring, but if it does,  
12 that's fine. If at any time you want to take a  
13 break for any reason, take a break for any  
14 reason. Okay?

15 A. Okay.

16 Q. Is there any reason that you can think of  
17 today why you should not or cannot have your  
18 deposition taken today?

19 A. No.

20 ATTORNEY KEATING:

21 Did I miss any opening  
22 instructions?

23 ATTORNEY TOBIN:

24 Not that I can think of.

25 BY ATTORNEY KEATING:

1 Q. As a background, how old are you?

2 A. I am 59 years old.

3 Q. And what is your educational background?

4 A. I have an Associate of Arts Degree from  
5 Harrisburg Community College in Correctional  
6 Rehabilitation, a Bachelors of Science Degree  
7 from Penn State in Criminal Justice.

8 Q. When did you receive that, sir?

9 A. 1990. May of '90.

10 Q. And what about any other post-graduate  
11 education degrees?

12 A. Just training certificates, which are  
13 numerous, too numerous, to go into at this time.

14 Q. Mostly relating to ---?

15 A. Criminal justice field, probation and  
16 parole.

17 Q. And what about your work history?

18 A. Graduating from college in 1990, I was  
19 appointed as a Lebanon County probation officer.  
20 Served as a Lebanon County adult probation  
21 officer for approximately 12 years. Came to the  
22 Board in September, on September 10th, 2011.  
23 I've been with the Board since that time. My  
24 duties over the years included the manager or  
25 supervisor of the Violators Unit, ---

1 Q. Uh-huh (yes).

2 A. --- which is responsible for the issuance of  
3 recommitment actions and the recalculation of  
4 maximum sentences. And I'm presently the  
5 Director of the Case Analysis Division. Under  
6 my division is, in part, the Violators Unit.

7 Q. Okay. Let's step back for half a minute.  
8 When you were with the Lebanon County Probation  
9 Office, what was the nature of your duties,  
10 generally?

11 A. The supervision of probation parolees in all  
12 facets of their probation.

13 Q. And would that be limited to those who are  
14 doing county time?

15 A. That would be limited to, yes, those who are  
16 under the supervision of county Probation and  
17 Parole.

18 Q. And as a general proposition, and I know  
19 there are exceptions to it, if an individual is  
20 sentenced to a period of incarceration, which  
21 the minimum is less than two years, typically do  
22 they get --- do they serve the sentence in a  
23 county facility?

24 A. That's correct.

25 Q. And if it's more, they're typically to do

1 their time in a state facility?

2 A. That's correct.

3 Q. And there are exceptions to that; correct?

4 A. Exactly.

5 Q. Okay. But as a general rule that's how  
6 that's determined; correct?

7 A. Correct.

8 Q. Now, when you worked for Lebanon County  
9 Probation as a Lebanon County Probation officer,  
10 what kind of caseload did you have ---

11 A. I had ---.

12 Q. --- or did it change throughout the years?

13 A. It was basically every type of supervision  
14 that the County afforded. We had different  
15 levels of supervision, which is the same parole  
16 agents the State has. We have minimum  
17 supervision --- medium supervision levels and  
18 maximum supervision levels. And that was based  
19 on risk and needs assessments.

20 Q. Were you in any type of managerial position  
21 or did you have ---?

22 A. I was a Probation Agent II --- or Parole  
23 Officer II.

24 Q. And did you have training relative to the  
25 Pennsylvania statutes that concern parole?

1 A. Yes. I completed basic officers training,  
2 which is the Board's BTA. Presently it's called  
3 BTA. In June of 1990.

4 Q. And statutorily do you know what statute,  
5 what Act, generally concerns and outlines the  
6 duties of Probation and Parole?

7 A. I believe it would be the Prisons and Parole  
8 Code. It used to be called the Parole Act. As  
9 for the exact citing of the statute, I'm not ---  
10 I don't know it offhand.

11 Q. Is that Title 61?

12 A. I believe it is.

13 Q. Now, I guess you indicated ---. I believe  
14 you indicated that you are currently --- as part  
15 of your role, you calculate maximum sentences of  
16 parolees?

17 A. Recalculate. The initial calculation  
18 process is --- the responsibility and authority  
19 for that is given to the Department of  
20 Corrections.

21 Q. Meaning when they're initially sentenced?

22 A. Exactly.

23 Q. Okay. So DOC figures out what their max is  
24 when they first get in there?

25 A. Correct.

1 Q. And is there a general rule of thumb after  
2 an inmate has ---? I want to talk now about  
3 state sentences. Okay?

4 A. Correct. Gotcha.

5 Q. Is there a general rule of thumb relative to  
6 inmates as to when they're parole-eligible?

7 A. Is there a general rule of thumb ---?  
8 Repeat the question ---. They're eligible for  
9 parole upon reaching their minimum expiration  
10 date as established by the DOC.

11 Q. When you say they're eligible, that means  
12 they're eligible for consideration for parole?

13 A. Yes. I believe the Board is presently  
14 reviewing minimum cases three months out, three  
15 to four months.

16 Q. You mean three to four months prior to the  
17 minimum ---?

18 A. Correct. So that we can get them out on the  
19 minimum date.

20 Q. How does the Parole Board keep track of  
21 that, as to which inmates are coming up and  
22 which ones are not? How do they do that?

23 A. The DOC structures an inmate's sentence on  
24 Department of Correction Form 16E. When our  
25 Institutional Parole Office receives that

1 information from that 16E, they place the  
2 individual inmate on a docket to be reviewed.  
3 Our Case Management Division prints out those  
4 dockets. And that begins the parole process.  
5 If the inmate is --- it's a first time review,  
6 they would assign a parole number. They would  
7 create a file. They would enter the initial  
8 sentence into the sentence profile. They would  
9 get the case ready, forward that file to the  
10 Institutional Parole Office and it would be  
11 waiting for the decision makers when they come  
12 to review that case for parole, whatever docket  
13 it's on.

14 Q. And you say they will get the case ready for  
15 the Parole Board for review, are you talking  
16 about DOC individuals or Board of Probation and  
17 Parole individuals?

18 A. The Case Management Division employees in  
19 part get the file to the institutional parole  
20 staff for their part, I mean, creating ---.

21 Q. When you say case management, I'm not sure  
22 if you're talking individuals. Are case  
23 management individuals DOC employees or ---?

24 A. Board employees.

25 ATTORNEY TOBIN:



1 And are those located here in  
2 Harrisburg?

3 A. Yes.

4 ATTORNEY KEATING:

5 Well, you'll get your chance to  
6 talk.

7 A. Sorry.

8 BY ATTORNEY KEATING:

9 Q. We'll talk about that. I'll get to that.  
10 So those are Parole Board employees?

11 A. Yes.

12 Q. Okay.

13 A. They are under the Board's Secretary.

14 Q. And you've talked about Institutional  
15 Office. Do each of the State Correctional  
16 Institutions have Parole Board offices within  
17 the institutions?

18 A. It is my understanding they do.

19 Q. Do you know for a fact whether Coal Township  
20 has it?

21 A. Yes, they do.

22 Q. Have you ever been to Coal Township?

23 A. No, I haven't.

24 Q. Either in the capacity as probation, parole  
25 officer and/or in a more --- just as a capacity

1 as a guest there against your wishes?

2 A. Rephrase that, sir. I'm sorry. I didn't  
3 catch it.

4 Q. Have you ever been there in a capacity as a  
5 Parole Board --- or have you ever been sentenced  
6 there to do time?

7 A. No.

8 Q. Okay. Do you have interaction ---? Do you  
9 personally have interaction with any of the  
10 Parole Board officers at the institutional  
11 offices or the ---

12 A. Yes.

13 Q. --- correctional facilities? If an inmate  
14 is granted parole by the Board of Probation and  
15 Parole, that does not necessarily mean that  
16 they're released from incarceration. Is that a  
17 correct statement?

18 A. That is a correct statement.

19 Q. And how does the mechanism work, where  
20 someone is granted parole, even considered for  
21 parole? What I'm looking for is an inmate would  
22 come up for parole review, can you just  
23 generally tell us what happens?

24 A. Steps that occur to effectuate the parole.  
25 As I said, the Case Management Division ships

1 the files to the Institutional Parole Offices  
2 when an inmate is placed on a docket for minimal  
3 parole review --- I mean parole review. When  
4 the decision makers meet with the inmate and  
5 interview him for parole, a decision is  
6 rendered. That decision can be to refuse  
7 parole, continue their decision pending receipt  
8 of certain information or grant the parole or  
9 reparole, which may be the case.

10 Their decisional instruments are forwarded  
11 with the review packet in the file back to  
12 central office. The Minimum Review Unit, upon  
13 gaining all the necessary signatures on a case  
14 to render a decision, issue a Board action,  
15 record that Board action, whether it's a refuse,  
16 a parole, reparole, whether the decision makers  
17 are continuing their decision pending receipt of  
18 information.

19 So to answer your question, if a parole  
20 decision is rendered or a reparole decision is  
21 rendered, the Board action is issued. The  
22 release orders and the conditions of parole  
23 supervision are issued. The inmate does not  
24 effectuate parole until he is signed out, he  
25 signs his conditions of parole, and is released.

1 The fact that a Board action has been issued  
2 does not mean that an inmate has effectuated his  
3 parole. It's when he signs his conditions of  
4 release.

5 Q. He has to agree to the conditions they put  
6 on it?

7 A. He has to sign his conditions of release,  
8 his PBPP-11s and his 10s. Until that point he  
9 is not considered on parole.

10 Q. Because the inmate may be granted  
11 conditional parole in that he has to agree to  
12 the terms and conditions set by the Parole  
13 Board; right?

14 A. It could be considered conditional. I mean,  
15 the Board is issuing a grant, but that parole  
16 isn't official. It hasn't been effectuated  
17 until he signs his conditions. A Board action  
18 can be issued, but that individual is not on  
19 parole solely based on the fact that the Board  
20 issued a parole.

21 Q. He has to agree to the conditions?

22 A. Right. He has to sign.

23 Q. Yeah. Well, by signing he's ---

24 A. Right.

25 Q. --- agreeing to the conditions. Is that the

1 green sheet?

2 A. The green sheet is PBPP-15, which outlines  
3 the Board's decision, reasoning, conditions, max  
4 date recalculated, max date. The PBPP-10s  
5 accompany an acting grant ---. The PBPP-10s are  
6 the official release orders. PBPP-11s are ---  
7 accompany that, which are the actual conditions  
8 of parole.

9 Q. So if someone's not being --- if an inmate  
10 is not being granted parole, ---

11 A. Correct.

12 Q. --- they would get a PBPP-15, but not a 10  
13 or 11?

14 A. Exactly.

15 Q. Okay. Does the PBPP indicate what the  
16 maximum date ---?

17 A. The PBPP-15 and the 10s do indicate the  
18 maximum expiration date on both paroles and  
19 reparaoles.

20 Q. Is there a mechanism whereby an inmate can  
21 bring to the Board's attention that they believe  
22 the maximum date in the PBPP-15 is an error?  
23 Can they bring that to the Board's attention?

24 A. On recommitment Board actions there's an  
25 appeals clause that accompanies every

1 recalculated max, which informs the  
2 inmate/parole violator that he has appeals  
3 rights to that recommitment Board action. I do  
4 not believe he has appeal rights to a parole ---  
5 reparole.

6 Q. If the Board of Probation and Parole has a  
7 max date calculated for an inmate, who other  
8 than a member of the Pennsylvania Board of  
9 Probation and Parole has the right or ability to  
10 change that max date?

11 A. Your question's kind of vague. If I may  
12 answer and --- what I think your question ---.  
13 On any recalculated max, and that would be on a  
14 parole violator, whether it's a technical or  
15 direct parole violator who was convicted of new  
16 criminal charges, the Board is solely  
17 responsible for recalculating that max date on  
18 that Board action, notifying the offender and  
19 everyone else privy to that Board action what  
20 the recalculated max is.

21 In answer to your question, no, it is the  
22 Board's sole responsibility to recalculate that  
23 max date. And it is our responsibility to  
24 recalculate that max date for any changes.

25 Q. So if an inmate is released, put on parole

1 as his conditions, and is convicted of a new  
2 crime, say a federal crime, what steps does the  
3 Parole Board take, if any?

4 A. The Parole Board, upon receipt --- or being  
5 informed of the conviction will first have to  
6 afford the parolee his due process rights, which  
7 would include a recommitment hearing for the  
8 direct parole violation. Based on that hearing  
9 and the recommendations, the hearing report is  
10 forwarded to the Violators Unit, which is under  
11 the Case Analysis Division. The Violators  
12 Unit's responsibility is to secure the necessary  
13 signatures on that hearing to effectuate the  
14 action that has been recommended, the sanction,  
15 if so be it. Upon garnishing all of the needed  
16 signatures is the Violator Unit technicians,  
17 parole staff technicians, who are responsible,  
18 then, for issuing the PBPP-15, the green sheet,  
19 for the recommitment Board action, which would,  
20 in fact, indicate or state a recalculated max  
21 date.

22 A PBPP-39 accompanies that recommitment  
23 Board action, which is forwarded to the DOC, the  
24 institutional parole staff, the inmate, his  
25 attorney if he has one, all interested parties.

1 A PBPP-39 is the Board's official recommitment  
2 action. And what that has on it is the outline  
3 of the individual's case and the recalculated  
4 max. The DOC then updates their records to  
5 reflect what the recalculated max is now on the  
6 PBPP-39, what the Board recalculated.

7 Q. And the DOC updates their records as to the  
8 recalculated max?

9 A. That's correct. The Board's responsible for  
10 the recalculation of the max. As we indicated  
11 earlier, the DOC's responsible for the initial  
12 sentence computation. The Board's tasked with  
13 the responsibility for all recalculated maxes  
14 once an individual is brought back as a  
15 violator.

16 Q. If a member of the DOC believes that the  
17 recalculated max done by the Board is in error,  
18 can an employee of the DOC just change that?

19 A. No.

20 Q. Why not?

21 A. As I indicated previously, the Board is  
22 responsible for establishing the recalculated  
23 max. The only way the DOC could change that  
24 recalculated max is if they modified PBPP-39,  
25 the Board's official Recommitment Order has been



1 issued.

2 Q. Do you know Damon Chappelle?

3 A. No.

4 Q. Did you ever meet him, ---

5 A. No.

6 Q. --- to your knowledge? What about Kevin  
7 Jessup?

8 A. No.

9 Q. Prior to coming here today, did you review  
10 any documents?

11 A. Yes.

12 Q. What did you review?

13 A. I reviewed the Plaintiff's petition. I  
14 reviewed the Kevin Jessup --- we have him as  
15 a/k/a --- his parole file.

16 Q. To your knowledge, were you ever his parole  
17 officer?

18 A. No.

19 Q. Is there any indication in his parole file  
20 that you were ever his parole officer or had any  
21 direct or indirect contact with him?

22 A. No.

23 Q. You know what his claims are; correct,  
24 generally?

25 A. Yes, I'm familiar with them.

1 Q. If an inmate like Mr. Chappelle is out on  
2 parole, if convicted of a federal offense and is  
3 doing his total sentence, is a detainer placed  
4 on him?

5 A. A detainer was placed on the parolee as soon  
6 as our field supervision staff was aware of the  
7 arrest which occurred.

8 Q. And that would be done by the Board of  
9 Probation and Parole?

10 A. That's correct.

11 Q. Who other than the Board of Probation and  
12 Parole has the ability to lift that detainer?

13 A. No one with the exception of the court, I'm  
14 sure, could order it, but we actually have to  
15 issue it --- or lift it.

16 Q. So even if the court wanted to, they'd have  
17 to give you ---?

18 A. Yeah. I'm sure if the court gave an Order  
19 to lift it, it would be lifted. But to answer  
20 your question, no, I don't think any other  
21 parties would be privy to --- or have the  
22 authority to lift one of our warrants.

23 Q. And this may sound like a silly question.  
24 If the Board of Probation and Parole  
25 recalculates an inmate's maximum sentence, after

1 being returned from doing his federal sentence  
2 that he had when he was out on parole, and the  
3 Department of Correction's employee believes  
4 that that recalculation is an error, what would  
5 happen if the Department of Corrections just on  
6 their own decided to release the inmate without  
7 getting permission from the Board of  
8 Probation ---?

9 A. That's not a question for me to answer, sir.

10 Q. Okay. Have you ever heard of that  
11 happening?

12 A. No.

13 Q. Someone would be in a lot of trouble,  
14 wouldn't they?

15 A. I ---.

16 Q. Okay.

17 A. I can't answer that.

18 Q. Well, does a Department of Corrections  
19 employee have the legal authority to release an  
20 inmate prior to the recalculated max date by  
21 Probation and Parole without Probation and  
22 Parole's approval?

23 A. No, they don't. There's a series of checks  
24 and balances that lie within the Department of  
25 Corrections where if we calculate a max, you

1 know, and that individual --- it's unforeseeable  
2 that they could just release them. I mean,  
3 somewhere along the line they would need a  
4 release or they would need a new Board action,  
5 39, modifying the max --- the recalculated max  
6 to a date lesser than what we actually initially  
7 calculated. It has never been heard of by me  
8 that an inmate who has a recalculated max can be  
9 released prior to that date. With the  
10 exception, as I said previously, without a Court  
11 Order. I mean, there's certain things that  
12 supercede and that would be one of them.

13 Q. Okay. Have the Congress maybe meet ---?

14 A. Could be.

15 Q. I want to make reference to Mr. Chappelle as  
16 Mr. Chappelle, not Mr. Jessup, because  
17 apparently that's what his birth name is. And I  
18 don't think he has ever had it formally changed.  
19 I know he does go by Kevin Jessup. But we have  
20 Mr. Chappelle's profile with us. Can you give  
21 that to --- we're going to talk a little bit  
22 about what his records show about his offenses  
23 and that sort of thing.

24 A. Sure.

25 Q. Can you tell, from a review of his records,

1 when he was first sentenced to do state time?

2 A. Yes. On 1/25/1996 Judge Defino, Albert  
3 Defino, Philadelphia County, sentenced ---. And  
4 this is where we differ. Sentenced Kevin  
5 Jessup, parole number 496AS, on one count of  
6 robbery associated with criminal indictment  
7 number 33/9503 to a five to ten year sentence,  
8 the minimum being five years, maximum being ten  
9 years.

10 He also sentenced him on 1/25/1996  
11 Philadelphia County, same Judge, Albert Defino,  
12 on criminal indictment number 33/9503, which is  
13 carry a firearm in public area to a consecutive  
14 one to two year sentence for a total, for a  
15 total confinement of 6 years to 12 years. The  
16 DOC established his minimum, controlling minimum  
17 date, to be 1/26/2001. His maximum date,  
18 controlling maximum date, to be 1/26/2007.

19 Q. For purposes of this deposition, if I make  
20 reference to Mr. Jessup or Mr. Chappelle, you  
21 can consider them to be the same person.

22 A. Exactly.

23 Q. For the purposes of any records you have in  
24 front of you, whether they make reference to Mr.  
25 Jessup or ---

1 A. Okay.

2 Q. --- Mr. Chappelle, we're talking about the  
3 same person, just for the record so we can keep  
4 it straight.

5 A. I understand.

6 Q. Was there a point in time when Mr. Chappelle  
7 was released ---?

8 A. Yes. The official ---.

9 Q. Hold on a second. Are the documents that  
10 you're making reference to today, are they extra  
11 copies of documents from Probation and Parole?

12 A. Yes, they are.

13 Q. Okay. Do you mind if we mark them and enter  
14 them as exhibits?

15 A. No, that would be fine. I have copies ---.

16 ATTORNEY KEATING:

17 Mr. Robinson, do you want to review  
18 those and make sure that these documents are not  
19 considered to be confidential in any way?

20 ATTORNEY ROBINSON:

21 I got the release orders and the  
22 16s.

23 ATTORNEY KEATING:

24 Let the record show I'm handing out  
25 the DOC 16E on Mr. Chappelle/Jessup and the

1 release orders and conditions and supervision,  
2 which were signed by Mr. Chappelle. We're going  
3 to have to slow down because we're going to have  
4 to mark each of these as a different exhibit  
5 number, so when you're making reference to a  
6 document we know which one.

7 BY ATTORNEY KEATING:

8 Q. The first document that you were looking off  
9 of, which one is that, sir?

10 A. That was the DOC 16E.

11 Q. And is that one of three and it says down at  
12 the bottom closed 7/30/2009?

13 A. 7/30/2009. Exactly.

14 Q. Okay. So that's this one here (indicating)?

15 A. That would --- yes.

16 ATTORNEY KEATING:

17 Okay. We're going to mark that one  
18 as Exhibit A.

19 (Janis' Deposition Exhibit A marked  
20 for identification.)

21 BY ATTORNEY KEATING:

22 Q. You gave another document. It says order to  
23 release on parole and reparole. And that is a  
24 four-page document, with the first page ---.

25 A. That's the PBPP-10.

1                    ATTORNEY KEATING:

2                    I think I'm going to call that  
3                    Exhibit Two (sic)?

4                    (Janis' Deposition Exhibit B marked  
5                    for identification.)

6                    A.    We can call this whole grouping --- it's the  
7                    PBPP-10, PBPP-11.

8                    BY ATTORNEY KEATING:

9                    Q.    Well, why don't we just call the whole  
10                   group ---

11                   A.    The whole grouping.

12                   Q.    --- B, Exhibit B?

13                   A.    Okay.

14                   Q.    And then if you make reference to a certain  
15                   page, you can say Exhibit H, one, two, three,  
16                   four, whatever. Okay. And you were talking  
17                   about Exhibit A.

18                   A.    Could you give me the question again? I  
19                   believe it had something to do with the  
20                   effectuation of parole ---.

21                   Q.    Yeah, I was asking ---. I believe I started  
22                   out by asking was there a point in time after he  
23                   received the 6 to 12-year sentence when he was  
24                   released on parole?

25                   A.    Yes. If you refer to Exhibit B, ---



1 Q. Okay.

2 A. --- the signed release orders, ---

3 Q. Okay.

4 A. --- which are the PBPP-10s and the attached  
5 11. His parole was effectuated. If you look  
6 near the bottom right-hand corner it says actual  
7 date of release.

8 Q. Uh-huh (yes).

9 A. 4/9 of 2001 he was released on parole by the  
10 Board.

11 Q. According to the documents, is that the  
12 first time he was released on parole after his 6  
13 to 12 year sentence?

14 A. Yes.

15 Q. And when did he start his sentence?

16 A. When did he start his sentence or his  
17 parole?

18 Q. His sentence.

19 A. I'll have to go back to Exhibit A.

20 Q. Looking at Exhibit B, does it say date of  
21 sentence January 25th, 1996?

22 A. That's the date of ---.

23 Q. Of sentencing?

24 A. Date of sentencing.

25 Q. He could have ---?

1 A. Yes, he did. His commitment credit started  
2 on 1/26/1995.

3 Q. '95.

4 A. So Mr. Chappelle had approximately one year  
5 preconfinement credit before his sentencing.  
6 And then his minimum date was established by the  
7 DOC to be 1/26/2001.

8 Q. It says his actual release date was April  
9 9th, 2001. Is that different from when --- the  
10 actual date in which he was granted parole?

11 A. Yes, it is.

12 Q. When is he granted parole?

13 A. The Board action granting parole was issued  
14 on 11/29 the year 2000.

15 Q. That's November 29th, 2000?

16 A. That's correct.

17 Q. And he was released on April 9, 2001?

18 A. That's correct.

19 Q. From November 29th of 2000 through April 9th  
20 of 2001, was he considered to be on parole?

21 A. No.

22 Q. Was he in jail?

23 A. He was incarcerated on a present offense.

24 Q. Okay. So the 11/29/2000 to 4/9/2001, that  
25 time went towards his time served?

1 A. That time went towards that initial 6 to 12  
2 year sentence.

3 Q. Okay. He was actually physically released  
4 on April 9, 2001; correct?

5 A. That's correct.

6 Q. And then what happened after that?

7 A. Well, Mr. Chappelle is paroled, as we said,  
8 on 4/9/2001. He absconds parole supervision on  
9 6/15/2001 and is declared delinquent by the  
10 Board on 6/18/2001. He's arrested by  
11 Philadelphia Police Department 9/16/2001. The  
12 Board detained him, holding a detention hearing.  
13 And a decision is rendered by the Board to  
14 detain pending disposition of criminal charges,  
15 on that date that I mentioned, 10/24 of 2001.

16 Q. And do you know what date it was that the  
17 Board ---?

18 A. Yes, I do.

19 Q. When?

20 A. The Board's warrant was issued on 9/26/2001.

21 Q. Okay. And I see you're referring to a  
22 document in front of you when you gave that  
23 answer?

24 A. Pardon me?

25 Q. I said I see you're referring to a document

1 that's sitting in front of you when you provided  
2 that answer.

3 A. Right. I mean, I can go through the file  
4 and actually pull the actual Board warrant.  
5 There's notes that I have.

6 Q. Okay.

7 A. Would you rather I go through the Board's  
8 file to pull information from there?

9 Q. I believe Ms. Tobin's going to do quite a  
10 few documents.

11 A. Okay.

12 ATTORNEY TOBIN:

13 I have it.

14 ATTORNEY KEATING:

15 Okay. You have it?

16 ATTORNEY TOBIN:

17 I think this is what he's talking  
18 about.

19 BY ATTORNEY KEATING:

20 Q. Is this the one, the same that we have here  
21 in front of us?

22 A. No. The warrant to detain is dated the same  
23 date that I just gave you, 9/26/2001. The  
24 warrant that Attorney Tobin has in her  
25 possession, I believe, is dated 9/27. Am I not

1 correct? And I can clarify the warrant that you  
2 have. See, originally or initially when an  
3 individual's arrested we have a 24/7 unit  
4 and ---. They're open 24/7. That's why we call  
5 it 24/7 unit. But anyway if an individual's  
6 arrested on the street, the information comes  
7 into that unit first. And what I'm in  
8 possession of is a 48-hour detainer, which then  
9 was within 48 hours replaced by the warrant  
10 that's in the attorney's possession. But the  
11 original date of the warrant that I'm referring  
12 to is dated 9/26/2001. And for our  
13 recalculation purposes that is the date that we  
14 consider Mr. Chappelle/Jessup in our custody.

15 ATTORNEY KEATING:

16 Okay. Can we get a copy of that  
17 and mark that Exhibit C?

18 (Janis' Deposition Exhibit C marked  
19 for identification.)

20 ATTORNEY KEATING:

21 Because once I read this  
22 transcript, I'm going to need copies of all  
23 we're talking about.

24 A. Yes, it's getting pretty complicated.

25 BY ATTORNEY KEATING:

1 Q. Is it fair to say that calculating and  
2 recalculating the maximum sentence of parole  
3 violators is not easy?

4 A. No, really it is ---. It's pretty basic  
5 stuff. All that my Recalculation Division is  
6 doing is they're taking the individual's maximum  
7 expiration date as established by the DOC ---

8 Q. Uh-huh (yes).

9 A. --- subtracting our release on parole date/  
10 And that is the amount ---

11 Q. That is the amount ---?

12 A. --- that we're left with of the unserved  
13 portion of his original sentence. So in Mr.  
14 Jessup's case it's a rather simple calculation.  
15 His maximum date was established 1/26/2007. He  
16 was released on parole 4/9/2001.

17 Q. Uh-huh (yes).

18 A. The unserved portion of Mr. Jessup's  
19 sentence, or Mr. Chappelle, was 5 years, 9  
20 months, 17 days. That is the amount of time  
21 that is applied to his recalculation when he  
22 becomes available to us. And in Mr.  
23 Chappelle/Jessup's case, he received a 24 month  
24 federal sentence, which cannot be served  
25 concurrently with the back time, which is the 5

1 years, 9 months, 17 days. The way we  
2 recalculated his max was he was arrested on  
3 9/26/2001. His charges were nolle prossed on  
4 3/11/2002. The Feds picked him up and charged  
5 him on 2/20 of 2002. He would have completed  
6 his 24-month sentence on 2/20 of 2004. That's  
7 the date that he became available to us. We  
8 awarded him complete credit for everything but  
9 that 24 month federal sentence and recalculated  
10 his max to 7/14/2009. The amount of time that  
11 he owes, the 5 years, 9 months, 17 days, we  
12 subtract out the 2 months, 28 days, which he  
13 would receive credit because originally the  
14 state arrested him and then they nolle prossed  
15 his case.

16 Our warrant defaults the only reason for his  
17 recommitment. Therefore we give him credit.  
18 The only reason for his detention --- we stopped  
19 credit, though, when the Feds arrest him and he  
20 doesn't post bail on 2/20 of 2002. That period  
21 from 2002 to 2004, 2/20/2004, we considered Mr.  
22 Chappelle/Jessup as serving his 24-month  
23 sentence.

24 He was resentenced to serve that resentence  
25 and released from that sentence on 4/14/2009.

1 That becomes the date that he is available to  
2 us. All time, with the exception of that two  
3 year sentence, we credited Mr. Chappelle and  
4 that's how we recalculated his --- recalculated  
5 the max 7/14/2009. So, no, it's not that  
6 complicated.

7 Q. It's complicated to me. So I guess if ---  
8 how many of these have you done since you've  
9 worked with Probation and Parole?

10 A. I have no idea. I've done a few.

11 Q. A hundred? The other thing is don't try to  
12 guess. You may estimate.

13 A. Yeah, I have no knowledge. The calculation,  
14 recalculation process carries over from being a  
15 probation officer where you have to establish  
16 min and max dates and recalculate max dates.  
17 And when you have somebody who serves --- or is  
18 available to be released and then, you know, it  
19 carried on here at the Parole Board, so  
20 it's ---.

21 Q. So when you were a Lebanon County probation  
22 officer you did a lot of the same types of  
23 duties?

24 A. Exactly.

25 Q. When do the records show that Mr. Jessup was



1 released from federal detention and returned  
2 back to SCI-Coal Township?

3 A. I believe I have 4/14/2009 he was released.

4 Q. When an inmate is back in this situation,  
5 does he automatically have a new max date  
6 recalculated or does it take time for  
7 Probation/Parole to catch up and figure it out?  
8 How does that work?

9 A. The only recalculations that we can provide  
10 are generated off of a violation hearing report,  
11 so he has to have a hearing and the Board has to  
12 sign off on it. And then we can initiate the  
13 recalculation. So, yes, there is time involved.  
14 It's not an immediate ---. Now, as in Mr.  
15 Chappelle's case the modifications and  
16 recalculations, soon as they're brought to our  
17 attention, we can do the recalculations, but the  
18 initial calculation takes time.

19 Q. When an inmate is returned off of --- and  
20 then parole violated back into the state system  
21 are they assigned a specific parole officer  
22 within the Institutional Office, if you know?

23 A. I can't answer that. I'm not familiar with  
24 that process.

25 Q. Are you familiar with the process by which

1 inmates notify or contact parole officers who  
2 are assigned to the Institutional Offices?

3 A. No, I am not privy to that either.

4 Q. Mr. Chappelle is claiming that he was  
5 illegally in prison on April 14, 2009 to July  
6 31st, 2009. I believe that the record  
7 shows ---. When was he released, the 30th or  
8 the 31st?

9 ATTORNEY TOBIN:

10 I know that's a question ---. I  
11 think that he signed some papers on the 30th,  
12 but then maybe got out on the 31st or not.

13 ATTORNEY KEATING:

14 Okay.

15 BY ATTORNEY KEATING:

16 Q. But a review of his full file by you today  
17 demonstrates that his maximum date was what  
18 date?

19 A. 7/14/2009 is the recalculated max, which  
20 is ---.

21 Q. That's the correct date?

22 A. Yes.

23 Q. Okay. When Mr. Chappelle was returned to  
24 SCI-Coal Township on April 14, 2009, was he  
25 being held in Coal Township based on a detainer

1 lodged by the Board of Probation and Parole?

2 A. That's correct.

3 Q. At some point in time between April of 2009  
4 and July of 2009 I believe there's a  
5 recalculation done by the Board that indicated  
6 that his maximum date was 2014. Do you have any  
7 records ---?

8 A. Yes, I do.

9 Q. That maximum calculation date of 2014 was  
10 not correct, was it?

11 A. Well, it was correct as recalculated by the  
12 technician at the time. April 16, 2009 a Board  
13 action was issued for the recalculation,  
14 establishing a max date of 9/6/2014.

15 Q. And that April 16, 2009 calculation ---  
16 strike that.

17 That April 16, 2009 maximum --- strike that.

18 The recalculation done on April 16, 2009,  
19 was Mr. Jessup given notification of that  
20 recalculation?

21 A. Yes, he was.

22 Q. How?

23 A. He was mailed a Decision on April 24th,  
24 2009.

25 Q. Is that by way of what's called a green

1 sheet.

2 A. By way of mail.

3 Q. Was that contained on a green sheet?

4 A. Oh, the Decision, yeah, that we mailed.

5 Yes. Yes. The official document is a PBPP-15.

6 Q. And for the record, you call them green  
7 sheet because they're actually green; right?

8 A. That's correct.

9 Q. Well, if you can't see ---

10 A. Yeah.

11 Q. --- what a green sheet is. They're actually  
12 green; right?

13 A. That's correct.

14 Q. Is there any indication on that notification  
15 that if the inmate has a disagreement with that  
16 calculation that he should take certain steps to  
17 notify the Board or anyone else?

18 A. Yes. As I indicated earlier, on every  
19 recommitment Board action we --- our technicians  
20 indicate an appeals clause. An appeals clause  
21 on this green sheet indicates if you wish to  
22 appeal this Decision you must file a request for  
23 administrative relief with the Board within 30  
24 days of this Order. This request shall set  
25 forth specifically the factual and legal basis

1 for the allegations, see 37 Pa. Code Section 73,  
2 period. You have the right to an attorney in  
3 this appeal and in any subsequent appeal to the  
4 Commonwealth Court, period. Date mailed April  
5 23rd, 2009. The inmate has 30 days from that  
6 date that it was mailed to appeal.

7 Q. Is there any indication in your records that  
8 Mr. Jessup/Chappelle appealed the Decision?

9 A. I can't answer that. I'm not responsible  
10 for the appeals process. I believe that would  
11 be something the Chief Counsel would have to be  
12 queried on.

13 Q. If he were to submit an appeal, would that  
14 document or should that document be in his  
15 parole file?

16 A. It should. I mean, I've seen them  
17 previously, but the only involvement that we  
18 have with appeal is when the Chief Counsel's  
19 Office feels that a modification needs to be  
20 made based on ---. If they get the appeal, they  
21 review the case, and then they would come and  
22 advise my division to make the necessary  
23 modifications to that Board action.

24 Q. So I understand your testimony is that you  
25 don't know if he did or not, based on documents

1 you have in front of you?

2 A. We have a file here. We could go through  
3 it. What I'm saying is, that is not something  
4 that I should be responsible for to look for a  
5 document and testify. It is out of my relevant  
6 authority.

7 ATTORNEY KEATING:

8 Understood.

9 ATTORNEY ROBINSON:

10 He's asking you to look in the file  
11 and see if there's an administrative appeal.

12 A. Or is this going to stretch, though? I  
13 mean, that's, you know, one thing. Locating an  
14 administrative appeal ---.

15 ATTORNEY ROBINSON:

16 You know, if you looked through the  
17 file and then from there based on whether there  
18 is one ---.

19 ATTORNEY KEATING:

20 I don't want to spend too much of  
21 your time.

22 A. That's fine. We can take a look, yeah.

23 WITNESS REVIEWS DOCUMENTS

24 ATTORNEY KEATING:

25 And the goldenrod is called the

1 goldenrod because ---

2 A. It's gold.

3 ATTORNEY KEATING:

4 --- it's gold.

5 A. Yeah, they keep everything the norm here.

6 Yes, there are numerous appeals, two that I see  
7 anyway.

8 BY ATTORNEY KEATING:

9 Q. Can you tell me what date those appeals are?

10 A. No, I would defer to Chief Counsel. I mean,  
11 there are ---. It appears that there's one  
12 received July 31st, 2007, responded to on ---.  
13 It's mailed October 2nd, 2007. It appears there  
14 was another appeal by Mr. --- signed by Mr.  
15 Damon Chappelle, a/k/a Kevin Jessups. Jessup,  
16 excuse me. Date stamped that it was received  
17 January 8th, 2009. Responded to by the Board  
18 February 23rd, 2009.

19 Another appeal December 3rd, 2008. April  
20 22nd, 2009. So, yes, there are appeals in here.  
21 And there are responses from the Chief Counsel's  
22 Office regarding those appeals.

23 Q. And one of them's dated April 22nd, 2009;  
24 correct?

25 ATTORNEY ROBINSON:

1           If you would like copies, I'll make  
2 copies. I think the concern is there's advice  
3 in there from us. I can give you what you ---  
4 what the response from the Board was, if that  
5 works for you all.

6           ATTORNEY KEATING:

7           Sure. Is that okay with you?

8           ATTORNEY TOBIN:

9           Yeah.

10          ATTORNEY KEATING:

11          Yeah. If there's any confidential  
12 --- because we don't want any of that stuff ---

13          ATTORNEY ROBINSON:

14          Okay.

15          ATTORNEY KEATING:

16          --- to go on --- any lawyer/client,  
17 work product, settlement.

18          ATTORNEY ROBINSON:

19          Give me ten minutes?

20          ATTORNEY KEATING:

21          How about we give you five minutes?  
22 Thank you, Deputy Chief Counsel Robinson. Are  
23 we taking five?

24          ATTORNEY ROBINSON:

25          We're taking a five-minute break.



1 SHORT BREAK TAKEN

2 ATTORNEY KEATING:

3 I've just been given several  
4 documents, which are 11 pages in length. The  
5 first one says Kevin Jessup a/k/a Kevin  
6 Chappelle --- July 30, 2007. Can I see your  
7 stapler? And I'm going to take the entire  
8 packet and make that as one exhibit. Why don't  
9 I give you this entire packet and make that ---  
10 what exhibit are we on? D. Okay.

11 (Janis' Deposition Exhibit D marked  
12 for identification.)

13 BY ATTORNEY KEATING:

14 Q. And, Mr. Janis, what these exhibits are, are  
15 responsive to my request for documents  
16 concerning appeals by Kevin Jessup a/k/a Damon  
17 Chappelle to the Board of Probation and Parole  
18 and responses thereto. Is that a correct  
19 statement?

20 A. Yes.

21 Q. We don't know whether these are all of them  
22 or not, but these are all that we found in the  
23 file and ---.

24 A. That's correct.

25 ATTORNEY KEATING:

1 I have no further questions.

2 EXAMINATION

3 BY ATTORNEY TOBIN:

4 Q. Good afternoon. Good morning still, Mr.  
5 Janis. I'm Jennifer Tobin, as you know. I  
6 represent Mr. Chappelle in this case. My first  
7 question is, prior to this deposition other than  
8 your counsel, Mr. Robinson, did you speak with  
9 anyone about the facts underlying this case?

10 A. No.

11 Q. Okay. Have you ever worked for the  
12 Department of Corrections?

13 A. No.

14 Q. So just the Lebanon County Parole Board and  
15 the State Parole Board?

16 A. Yes.

17 Q. Okay. Does the Parole Board have any  
18 procedures manual which sets forth the  
19 procedures that employees must follow while  
20 doing the calculations?

21 A. Yes.

22 Q. What is that called?

23 A. Calculations manual.

24 Q. And how often is that updated?

25 A. As need be. I mean, we just updated it. I

1 think we issued the most recent one within the  
2 last month, but it's a constant ongoing ---.

3 Q. And where is that kept?

4 A. At our desks. At the technician's desk.  
5 Chief Counsel's privy to it. They have a record  
6 of it, we have record of it.

7 Q. And the technicians, I believe you said  
8 earlier, are the ones who actually do the  
9 calculations?

10 A. Yes.

11 Q. Does the Parole Board issue policies that  
12 govern how it carries out its duties?

13 A. Yes.

14 Q. And what are those called?

15 A. I believe we have the Prisons and Parole  
16 Codes, which established the Parole Board and  
17 the Parole Board's workings. I believe that was  
18 in 1941. It was originally called the Parole  
19 Act. Then when it was opened up in legislation,  
20 it changed certain ways things were done, which  
21 included federal sentence recommitment,  
22 recommitted offenders.

23 It was changed to the Prisons and Parole  
24 Code because it was codified. Also the Board  
25 has its policies and procedures which we follow.

1 Q. With regard to the update on how to handle  
2 federally sentenced parole violators, ---

3 A. Right.

4 Q. --- is there a specific code section or ---?

5 A. That would have to be posed to the Chief  
6 Counsel's Office.

7 Q. Is it what's also known as --- I seen under  
8 regulations under Title 37, I believe; is  
9 that ---? Do you know if it's ---?

10 A. I default to ---.

11 Q. Oh, well, I can't ask him. So is it  
12 something that you use in order to figure out  
13 how to handle parole violators who have been  
14 federally sentenced?

15 A. Is what?

16 Q. Is it a Parole Act or a code?

17 A. Right. That was our initial framework on  
18 the recalculation processes. And since that  
19 time there have been cases which have been  
20 brought forth by other entities that ended up in  
21 Pennsylvania Supreme Court and so on, which then  
22 added to the way that we process like Dorian  
23 Decision. Dorian indicates that the reason to  
24 recommit the sentence or the reason to recommit  
25 must be served consecutive to the

1 incident/offense that you are on parole for. So  
2 there are case law cases that then changed the  
3 way that we do things. And our recalculation  
4 manual is then modified to incorporate those  
5 cases.

6 Q. So the recalculation manual would explain  
7 that to the technician who's doing the work?

8 A. That's correct.

9 Q. Does the Parole Board have the authority to  
10 release an inmate from prison when the inmate  
11 has completed his maximum sentence?

12 A. Yes.

13 Q. And how so? What is that authority based  
14 on?

15 A. I would think it would be based on the fact  
16 that we would be holding an inmate illegally if  
17 we're holding one past their max date. I mean,  
18 as to case law that you're looking for, a  
19 decision or --- I'm not ---.

20 Q. No, I'm not asking for case law, just your  
21 understanding.

22 A. My understanding is when that individual  
23 reaches his maximum expiration date, if we're  
24 holding him, if we're detaining him on our Board  
25 warrant and a conviction is not in place, then

1     whoever issued that Board warrant has to lift  
2     it, declare the individual delinquent for  
3     control. Which is basically saying that he is  
4     at his max date and he has open criminal  
5     charges, which he hasn't been convicted for and  
6     we are following them. If, in fact, an  
7     individual is convicted any time down the road,  
8     it would be the responsibility, then, to arrest  
9     that subject, detain him in a correctional  
10    facility, afford him his due process and then my  
11    division would do any recalculations based on  
12    the Board's Decisions.

13   Q. And then once he's in and serving the  
14   remainder of his original sentence, does the  
15   Parole Board monitor when that sentence expires  
16   and then send the DOC some kind of document that  
17   says, he's finished his sentence, you can now  
18   release him to the street?

19   A. No, we do that at the front end. As I  
20   indicated under testimony from --- questions  
21   from Attorney Keating, when we do a  
22   recalculation, we issue the green sheet and the  
23   PBPP-39, which is the Board's official  
24   Recommitment Order. On that green sheet we  
25   would indicate any review for parole date and we

1 would indicate a max date. On that 39, our  
2 official recommitment, the max date is  
3 established and the DOC has that max date then  
4 as part of their record.

5 If you look at the 16E that was entered into  
6 the --- as an exhibit ---. I believe it was A,  
7 if I'm being correct. If you look in the center  
8 to the right-hand column where you have new PB  
9 max in Mr. Kevin Jessup ---. In this case, the  
10 max date, which was our recalculated max, is at  
11 7/14/2009. Now, how the prison prompts itself  
12 to release that individual on that date that we  
13 provide them, I have no knowledge.

14 Q. Okay.

15 A. We recalculate and that's it.

16 Q. If an inmate has completed his maximum  
17 sentence, does the Parole Board have any  
18 responsibilities or duties with regard to the  
19 inmate at that point?

20 A. No.

21 Q. And you mentioned that the --- you have the  
22 DC-16E. Where do you get those from?

23 A. The DOC ---? Once we issue 39, which then  
24 establishes the PB max, any time a 16E is  
25 changed, they issue a new version. If you look

1 at the bottom, this is version number six. So  
2 based on our recalculation on 7/30/2009 at  
3 2:36:10 in the p.m. they issued a new 16E by  
4 updating the 16E to reflect our recalculated  
5 max.

6 Q. And how are these ---? Do you get the  
7 updates?

8 A. Yes.

9 Q. And how are they transmitted to you?

10 A. They're not transmitted to us. I mean, if  
11 an individual has time remaining with due dates  
12 and so on, we would print those off of the DOC  
13 doc net. I mean, in this case this --- there is  
14 no need for this to be transmitted to us and  
15 they're not transmitted to us. And we  
16 established the max at 7/14/2009 on July 29th,  
17 2009. The DOC updated it July 30th, 2009. If  
18 the individual was 15 days past his max when we  
19 issued recommitment, we would have no need for a  
20 16E.

21 Q. So you have access to you said doc net?

22 A. Access. Correct.

23 Q. And what can you do with that access?

24 A. View and print documents.

25 Q. What documents can you view and print?



1 A. DOC 16E, detainers, ICSA documents.

2 Q. What was that?

3 A. Minimal parole summaries. I believe they're  
4 called ICSA, I-C-S-A. There's certain  
5 information that we have access to. I mean, we  
6 don't have access to everything.

7 Q. When do you first access the DOC 16E? Is  
8 that when you are notified by your Institutional  
9 Parole Office that someone's coming up on their  
10 parole review date, their minimum date?

11 A. My division wouldn't access them. Another  
12 division within the Board, Case Management  
13 Division, they print off a docket. In other  
14 words, they'll go in as like they're working  
15 three months ahead. We're in August. They  
16 would be printing November, December docket.  
17 And on there would be the individual they're  
18 identifying, the information, DOC number, parole  
19 number, type of interview that the individual is  
20 scheduled for, reparole, minimum, the type of  
21 case that it is. They print that.

22 Then the first thing that they do is they  
23 have this information. They make sure that it  
24 is updated in our sentence profile. Make sure  
25 that a file has been created for the individual.

1 Because then you have to realize that Mr.  
2 Chappelle/Jessup he's coming back as a parole  
3 violator, so that ---. We already did all that  
4 stuff that was needed to begin the --- needed to  
5 be done to get him seen, to get him reviewed and  
6 effectuate a parole. But there's cases that are  
7 out there and nothing has been done like Mr.  
8 Jessup's case when a 16E was first issued.

9 But anyway, they enter the sentence  
10 information, create a file. If a file is  
11 created, they get that file ready to be shipped  
12 to the SCI to be reviewed.

13 Q. Does the Parole Board have a document that  
14 is similar to the DOC 16E for each person in the  
15 --- each parolee --- potential parolee's file?

16 A. Since we had this file in here --- we used  
17 it previously. When the Board receives a 16E,  
18 they enter this information into what is called  
19 our sentence profile. That information then  
20 generates, in our system, the actual sentence  
21 profile that the Board is using. So any time we  
22 have an update on the initial sentence, we would  
23 change this. We don't have a comparable  
24 document. What we're doing is we're taking the  
25 DOC's information, entering it into our system.

1 And it's spitting out the indictment number  
2 sentence date, the sentence. As we indicated  
3 earlier, five to ten, and a consecutive one to  
4 two, the Judge, all that relevant information.

5 Q. And you're referring to a document that ---

6 A. It's called ---

7 Q. --- says sentence profile?

8 A. --- sentence profile, yes. Would you like a  
9 copy of it?

10 Q. Uh-huh (yes). I would. I don't need it  
11 right now.

12 A. Oh, okay.

13 Q. So that also has the total aggregate  
14 sentence?

15 A. Yes, it does. It has that 6 to 12 year  
16 sentence.

17 Q. Do you also keep track of the inmate's  
18 federal sentences in addition to state  
19 sentences?

20 A. Not within this system, but, yes, we do.

21 Q. Where do you keep track of the federal  
22 sentence?

23 A. Per se not keep track. We're responsible  
24 for the recalculation of the recalculated max  
25 date for a direct parole violator, someone

1 that's brought back, because we're responsible  
2 for that sentencing information from the other  
3 domain. In other words, if it's another state,  
4 it's a federal conviction. So, yes, that  
5 information is kept by us.

6 Q. And how do you factor that in ---? Let me  
7 back up. You mentioned earlier that the  
8 recalculation of the parole violator max date is  
9 a relatively simple calculation.

10 A. Correct.

11 Q. And I believe you testified that it's the  
12 max --- original max date minus the date the  
13 person was released on parole?

14 A. That's correct. That's the total amount of  
15 the unserved portion of the original sentence  
16 that he was serving.

17 OFF RECORD DISCUSSION

18 ATTORNEY TOBIN:

19 Do you want to take a short break  
20 or can I keep going?

21 A. No, no. Keep going.

22 BY ATTORNEY TOBIN:

23 Q. Okay. So is that unserved portion of the  
24 original sentence also known as back time?

25 A. Yes, it is.

1 Q. Okay. Does back time have any other  
2 meanings other than that unserved portion of the  
3 original sentence?

4 A. No.

5 Q. Okay. Does the Parole Board keep track of  
6 whether a sentence is concurrent or consecutive?

7 A. Yes.

8 Q. And would that be a state sentence or a  
9 federal or both?

10 A. Any sentence.

11 Q. And how do you --- why do you keep track of  
12 that?

13 A. In the initial sentencing information, which  
14 wouldn't be applicable to what we're talking  
15 about presently, Mr. Chappelle originally had 5  
16 to 10 and then a consecutive 1 to 2. That's  
17 making the sentence 6 to 12. On the  
18 recommitment portion, it's important to know  
19 that information for our recalculation purposes.

20 Q. In what way?

21 A. What manner? We may have an individual that  
22 is on parole and receives a county sentence,  
23 which is a reason to recommit. Say a 6 to 12  
24 month sentence and the court orders it to be  
25 served in the SCI consecutive to his back time.

1 For our recalculation purposes, the order of the  
2 service of the sentences, we would need to know  
3 that. The way that the order of service of the  
4 sentence works is if it's an SCI to SCI  
5 sentence, we issue a final recommitment Board  
6 action. Then the individual does that  
7 recommitment sentence after he's paroled or  
8 maxed from the instant offense. He'd be paroled  
9 on max to the detainer sentence SCI to SCI. If  
10 it's, as I mentioned, the consecutive county  
11 sentence, he would begin serving the 6 to 12  
12 after he's paroled or maxed from the instant  
13 offense. The DOC would hold that as a detainer.

14 For our calculation purposes, say an  
15 individual received a 6 to 12 in the county and  
16 it was ordered to be served in the county and it  
17 was ordered to be served concurrently. Contrary  
18 to the Judge's clear intent --- under the Draper  
19 Decision, which reads, regardless of a  
20 sentencing Judge's clear intent to the contrary  
21 back time and a new sentence must be served in  
22 consecutive order. Commonwealth versus Draper  
23 293 A.2d 614 of 1992. The county sentence would  
24 have to be served first. The court would have  
25 to parole the individual from the county

1 sentence. Then he would become available to the  
2 Board to issue a final recommitment Board  
3 action. There are numerous scenarios that, yes,  
4 we need to know the order of the sentence that  
5 was imposed on the recommitment.

6 Q. And do you get that information from the  
7 Court Orders from whichever court imposed the  
8 sentence that ---? How do you get the  
9 information about concurrent, consecutive ---?

10 A. We get that information various modes, from  
11 the courts that imposed the Orders, from the  
12 Court of Common Pleas dockets, which are online,  
13 our agents. I mean, if we receive information  
14 --- as in Mr. Chappelle's case, if something was  
15 changed in nature or structure of that sentence,  
16 you know, then, yes, we need to get that  
17 information and make our recalculations  
18 accordingly.

19 Q. Is back time the same as what I've heard  
20 refer to as street time?

21 A. You know, I noticed that in your petition,  
22 which there is a difference. I mean, you're  
23 saying that, well, he only had this little  
24 period of street time. And street time is time  
25 that he spent on parole liberty. So there is a

1 distinct difference. We're calling it the  
2 unserved portion of an inmate's sentence. And  
3 parole liberty, as you're referring to, is  
4 street time.

5 Q. So they're not the same?

6 A. No.

7 Q. Okay. Is there a label or a word to refer  
8 to the amount of time that a returning parole  
9 violator has to wait before he can seek  
10 reparole?

11 A. In the Board's sanction, when they hold the  
12 violation or revocation hearing, the revocation  
13 hearing being for a direct parole violation, a  
14 criminal offense, they --- in their sanction  
15 they would determine the length of time that  
16 they want the individual to sit for prior to the  
17 next reparole eligibility for review date. Go  
18 ahead. I'm sorry. It looks like ---.

19 Q. And so I'll just pull out ---. I'm going to  
20 just show you a document that might help me ask  
21 the question. Do you recognize this group of  
22 documents?

23 A. Yes, I do. They're ---

24 Q. What are they?

25 A. --- Board actions.



1 Q. Okay.

2 A. PBPP-15.

3 ATTORNEY TOBIN:

4 Okay. We'll call this Exhibit E.

5 (Janis' Deposition Exhibit E marked  
6 for identification.)

7 BY ATTORNEY TOBIN:

8 Q. And these aren't numbered at the bottom, but  
9 if you could take a look at the second stapled  
10 document in this packet.

11 A. March 14, 2002?

12 Q. Yes.

13 A. Okay.

14 ATTORNEY TOBIN:

15 And if you could just review it and  
16 let me know when you're done.

17 WITNESS COMPLIES

18 A. Okay.

19 BY ATTORNEY TOBIN:

20 Q. Okay. On that third --- approximately the  
21 third paragraph down it's just a sentence. It  
22 says, recommit to a State Correctional  
23 Institution as a technical parole violator to  
24 serve 18 months back time when available. What  
25 does that mean?

1 A. That means at the time of the --- this is a  
2 technical parole violation hearing that was held  
3 and the Board action, which is in front of me,  
4 that was generated off of that hearing is for  
5 the violations of conditions. If you look at  
6 the next paragraph, the hyphenated condition  
7 number two, count number one, count number two,  
8 these are technical parole violations that the  
9 individual incurred. The reason he is when  
10 available is the Board is saying at this time  
11 you are not available to serve his sanction.  
12 And the reason being was the open criminal  
13 charges that the individual had to serve prior  
14 to becoming available, the federal charges.

15 Q. And then that's helpful, but I also want to  
16 know what it means specifically to serve 18  
17 months of back time.

18 A. Oh, that would be the sanction that ---.  
19 When the final calculation is prepared, what the  
20 technician will do is not only establish the ---  
21 or reestablish the new max, recalculated max,  
22 because of the violation hearing, if necessary,  
23 they also would establish a review date. When  
24 the Board action is finalized, it would give the  
25 individual the date that he would be eligible

1 for reparole review.

2 Q. And that means that he has to wait for 18  
3 months before the Parole Board will consider him  
4 again for reparole?

5 A. Well, exactly. There are scenarios. I  
6 mean, after 12 months from the date of the Board  
7 action, the individual can file a petition for  
8 Parole to see him.

9 Q. So that amount of time, that 18 months,  
10 isn't the same as the remaining portion that he  
11 has left to serve on his original sentence?

12 A. No, that has nothing to do with it.

13 Q. So what I'm trying to figure out is why this  
14 is called back time and that other time period  
15 is also called back time?

16 ATTORNEY KEATING:

17 I'm going to object to that  
18 question.

19 BY ATTORNEY TOBIN:

20 Q. Did you understand my question?

21 A. Yes, I do. Out of that total amount of  
22 time, which was in excess of five years,  
23 according to this --- when he's available, he'll  
24 serve 18 months of that period and then he would  
25 be reviewed.

1 Q. So it could mean serve 18 months of his back  
2 time?

3 A. Right.

4 Q. Okay. Thank you. The when-available  
5 determination, how does the Parole Board make  
6 the decision of when someone's available?

7 A. Various criteria. Some of the criteria to  
8 determine when he becomes available is basically  
9 when a Board's warrant is the sole purpose for  
10 his incarceration and he is at the SCI, DOC  
11 custody where he was paroled from, he would be  
12 determined available. So basically what we're  
13 looking for is the same premise for which we  
14 allocate back time, which is if the Board's  
15 warrant is the sole purpose for your  
16 incarceration, you're not only entitled to back  
17 time, at that point we would determine you as  
18 being available to serve that back time.

19 Q. And are there any regulations or statutes  
20 for procedures that govern how you make that  
21 determination, the when-available determination?

22 A. Yes, I believe it would come down to when  
23 the Board's warrant is the sole purpose for your  
24 incarceration depends on your availability. In  
25 Mr. Chappelle's situation he had open criminal

1 charges which he hadn't posted bail for. He had  
2 a criminal conviction, which he had to serve  
3 prior to becoming available and that's why he  
4 had a when-available Board action.

5 Q. Is that explanation of how you're supposed  
6 to make that determination in the recalculation  
7 manual?

8 A. Yes.

9 Q. Okay.

10 A. I mean, it's outlined in case law that I  
11 brought along with me also. And we're not going  
12 to get into that.

13 ATTORNEY ROBINSON:

14 We're not going to get into that.

15 A. Right. We're here on the factual ---.

16 ATTORNEY ROBINSON:

17 I'll give a little leeway. He's  
18 not called as an expert witness. In the Prisons  
19 and Parole Code I can give you the cite. The  
20 regs are out there, 37 Pa. Code and there's a  
21 whole slew of Commonwealth Court case law that  
22 says how we do and don't calculate sentences.  
23 I'd be happy to talk about that after the  
24 deposition.

25 ATTORNEY TOBIN:

1                   No, I'm just trying to get the  
2 terminology ---

3                   ATTORNEY ROBINSON:

4                   Okay.

5                   ATTORNEY TOBIN:

6                   --- and the calculations down.

7 BY ATTORNEY TOBIN:

8 Q.    Okay.    So if somebody has --- just an  
9 example.    If somebody has a ten-year sentence,  
10 is paroled at five years and is out on the  
11 street on parole for two years and then goes  
12 back, how much back time do they have?

13 A.    It depends.    If it's a direct parole  
14 violator, which would encompass a new criminal  
15 conviction, he would lose all credit for any  
16 time he spent on the street.    When we do our  
17 recalculation, he's going to owe five years back  
18 time, which would be the difference of the  
19 unserved portion of the sentence when we paroled  
20 him.    In your case scenario, five years left on  
21 his max, so when we do our recalculation we're  
22 taking all of his time and giving him no credit  
23 for anything.    The calculation is going to take  
24 that five years and reallocate it.

25 Q.    And the parole violator max date can't cause

1 the person's sentence to exceed the court-  
2 imposed sentence?

3 A. Correct.

4 Q. Are the technicians the ones who calculate  
5 back time?

6 A. They do the recalculation of the --- for the  
7 Board actions off of the hearings.

8 Q. What does the Parole Board have to have in  
9 Order to Recommit someone to prison, what  
10 documents or information?

11 ATTORNEY ROBINSON:

12 We're getting into legal questions  
13 about sufficiency of evidence. I mean, maybe if  
14 you could ask him what happened in this case, I  
15 think it would be more in line with my  
16 understanding of the purpose of this deposition.

17 BY ATTORNEY TOBIN:

18 Q. But in Mr. Chappelle's case, then ---. You  
19 mentioned that the field staff person notified  
20 the Parole Board of an arrest. They became  
21 aware of the arrest and you had the 24/7 Unit  
22 issue a temporary detainer?

23 ATTORNEY KEATING:

24 I object to that. I'm not sure  
25 that's what he did testify to ---

1 BY ATTORNEY TOBIN:

2 Q. Is that what you testified ---?

3 ATTORNEY KEATING:

4 --- because your question is asking  
5 well he testified based on his own ---. It  
6 makes it sound like based on his understanding  
7 and belief. My understanding is he does not  
8 know about this case of Mr. Chappelle except for  
9 what's reflected in the documents before him.

10 A. Right.

11 ATTORNEY KEATING:

12 Do you understand what I'm saying?

13 A. The warrant that was issued was for --- we  
14 were just trying to clarify why you had a  
15 different warrant date than the one that was  
16 actually in the file.

17 ATTORNEY KEATING:

18 Are you testifying from your own  
19 knowledge of what happened or ---

20 A. Where it's issued from, no.

21 ATTORNEY KEATING:

22 --- from the review of the  
23 documents you have in front of you? I don't  
24 know if this change --- I mean ---. Okay.

25 ATTORNEY ROBINSON:



1 He's simply asking, were you  
2 involved?

3 A. No.

4 ATTORNEY ROBINSON:

5 Or did you look at a document?

6 A. I looked at a document.

7 ATTORNEY ROBINSON:

8 Okay.

9 ATTORNEY KEATING:

10 None of this is from personal  
11 information. It's from review of ---

12 A. Right.

13 ATTORNEY KEATING:

14 --- what you have in front of you?

15 Okay.

16 BY ATTORNEY TOBIN:

17 Q. And so the person doesn't have to have a  
18 conviction in order to be recommitted?

19 A. You have two types of recommitments. You  
20 have technical parole violation and you have  
21 direct parole violation. To be considered a  
22 direct parole violation, which would be for new  
23 criminal offenses, they have to meet two  
24 prerequisites. They have to have a conviction  
25 and a court record and the conviction has to be

1 for a crime which would carry a term of  
2 imprisonment.

3 Q. Is a direct parole violator also known as a  
4 convicted ---

5 A. Yes.

6 Q. --- parole violator? Okay.

7 ATTORNEY KEATING:

8 You have to let her finish the  
9 question before you answer.

10 A. Okay.

11 BY ATTORNEY TOBIN:

12 Q. And that's what brings the person back to  
13 prison as a direct parole violator is the  
14 conviction and the sentence that is of whatever  
15 term you just testified?

16 A. Correct.

17 Q. Is the inmate's original sentence that was  
18 imposed by a court affected by that?

19 A. On the recalculation it is. The max date  
20 would be extended as in Mr. Chappelle's case.

21 Q. So the max date would be extended, but the  
22 amount of time ---

23 A. No.

24 Q. --- wouldn't change?

25 A. Correct.

1 Q. Okay. If the inmate is recommitted as a  
2 convicted parole violator and then is  
3 resentenced on the same conviction, goes back to  
4 court, gets a better sentence from the Judge,  
5 does that alter his status as a convicted parole  
6 violator?

7 A. No.

8 Q. Does it have any impact on the inmate's  
9 original sentence?

10 ATTORNEY ROBINSON:

11 I'm going to object. You just  
12 asked him if the sentence was vacated or  
13 changed.

14 A. Not vacated. She said resentenced.

15 ATTORNEY ROBINSON:

16 Resentenced. What sentence are  
17 you ---?

18 ATTORNEY TOBIN:

19 Oh, the first sentence, the one  
20 from which he was paroled on.

21 BY ATTORNEY TOBIN:

22 Q. Is that affected?

23 A. No, it's never changed.

24 Q. And so his back time on that first sentence  
25 would just stay the same. On his new second

1 sentence he could get resentenced multiple  
2 times, the original sentence ---?

3 A. The amount of back time that he has is  
4 static. It's just how we allocate it based on  
5 the resentencings.

6 Q. Okay. And you had mentioned earlier,  
7 testified earlier, that in Mr. Chappelle's case  
8 he got a federal sentence of 24 months and that  
9 that was determined to be served while he was at  
10 Coal Township at the Parole Board? I believe  
11 you testified that. Am I wrong?

12 A. No, I didn't testify to that.

13 Q. Okay. Well, how did the Parole Board handle  
14 that 24-month sentence?

15 A. The Parole Board, in our recalculation  
16 process? Is that ---

17 Q. Yes.

18 A. --- what you're asking?

19 Q. Yes.

20 A. Okay. We treated that 24 month as service  
21 of another sentence. In other words, the period  
22 from 2/20 of 2002 when Mr. Chappelle was  
23 arrested and failed to post bail, two years from  
24 that point, 2/20 of 2004, was time that we  
25 credited towards the service of that federal

1 sentence. He did not get credit towards back  
2 time for that period.

3 Q. Okay. And what was the basis of that  
4 decision? What triggered that decision to  
5 credit it towards the federal sentence instead  
6 of the back time?

7 ATTORNEY ROBINSON:

8 I'm going to object ---

9 A. Yeah.

10 ATTORNEY ROBINSON:

11 --- to that. I think we're going  
12 into I think perhaps legal advice. I mean, he  
13 has explained how the Board calculated the  
14 sentence. And as a fact witness I think that's  
15 all he's required to do.

16 ATTORNEY KEATING:

17 I'll join that objection.

18 ATTORNEY TOBIN:

19 I disagree. I think that it's  
20 relevant why the Board did what it did, why the  
21 Board choose to ---.

22 ATTORNEY ROBINSON:

23 If you want to ask him what  
24 document he relied on? I don't have a problem  
25 with that or ---. What document that the Board

1     relied on, as to the rationale, I think is  
2     beyond the scope of what we're here for.

3                     ATTORNEY KEATING:

4                     It's definitely beyond the scope of  
5     Direct.

6     BY ATTORNEY TOBIN:

7     Q.   Was there a document that you relied on or  
8     that the Board relied on to do that crediting?

9     A.   I don't believe ---.

10                    ATTORNEY KEATING:

11                    Wait a minute. He didn't do ---.

12     A.   No, it's my staff back in ---.

13                    ATTORNEY KEATING:

14                    So you're asking him to testify as  
15     to what other people relied on? You can't do  
16     that.

17                    ATTORNEY TOBIN:

18                    Throughout this whole deposition  
19     he's been testifying about what's been happening  
20     in the file. That's all I'm asking is what  
21     happened in this file that was reviewed.

22                    ATTORNEY KEATING:

23                    Okay. If you're asking him what  
24     documents in the file suggest one thing or the  
25     other, that's fine, but to ask him what the

1 Board relied on, that's speculation. I never  
2 asked him what the Board did or didn't do. I  
3 asked what the documents reflected in the file.

4 A. And if I may, I can probably remedy this.  
5 I'm sure --- we were advised by the Chief  
6 Counsel's Office.

7 ATTORNEY ROBINSON:

8 Stop.

9 A. Oh, okay.

10 BY ATTORNEY TOBIN:

11 Q. Do you know, was there a document that ---

12 A. Not that I'm aware of.

13 Q. --- the Board relied on? Was there any  
14 document that set forth this decision making  
15 that was given to Mr. Chappelle that said we're  
16 going to count these two years towards your  
17 federal ---

18 A. Yes.

19 Q. --- sentence? And what was that document?

20 A. His PBPP-39.

21 ATTORNEY ROBINSON:

22 That's within the documents that  
23 were recovered for you out of the file.

24 BY ATTORNEY TOBIN:

25 Q. So the PBPP-39 form told him that the two

1 years for his federal sentence was going to go  
2 towards --- those two years were going to go  
3 towards the federal sentence; is that correct?

4 ATTORNEY ROBINSON:

5 The documents here and that's --- I  
6 don't know what it told him. I mean, he  
7 understood it and he read it, but ---.

8 ATTORNEY TOBIN:

9 Could you tell me what document ---

10 ATTORNEY ROBINSON:

11 Sure.

12 ATTORNEY TOBIN:

13 --- you're looking at?

14 ATTORNEY ROBINSON:

15 Keep going. Behind the Notice of  
16 Board Decision.

17 ATTORNEY TOBIN:

18 Okay.

19 ATTORNEY ROBINSON:

20 That's it.

21 ATTORNEY TOBIN:

22 Is this the Order to Recommit and  
23 at the bottom it says, modify 7/29/09?

24 ATTORNEY ROBINSON:

25 Correct.



1 ATTORNEY TOBIN:

2 Okay.

3 BY ATTORNEY TOBIN:

4 Q. So, Mr. Janis, if you could review this page  
5 and let me know what on here reflects that  
6 decision to credit the --- to take two years out  
7 of the amount of time and credit it towards  
8 federal.

9 WITNESS COMPLIES

10 ATTORNEY KEATING:

11 Is this one of the documents that's  
12 been entered in as an exhibit?

13 ATTORNEY TOBIN:

14 It is. Exhibit D.

15 ATTORNEY KEATING:

16 And what page is Exhibit D ---?

17 ATTORNEY TOBIN:

18 It is the second ---.

19 ATTORNEY KEATING:

20 We have the whole exhibit stapled  
21 together. Can we look at the exhibits marked  
22 and see what ---. It's a stapled exhibit, so  
23 we're clear for the record what we're looking  
24 at.

25 ATTORNEY TOBIN:

1 This is page nine.

2 ATTORNEY KEATING:

3 Okay. And what is it about page  
4 nine you're asking?

5 ATTORNEY TOBIN:

6 I'm asking if there's anything on  
7 that document that reflects the Parole Board's  
8 crediting of the two years of --- for the  
9 federal sentence to the federal sentence.

10 A. Right. And I refer you to the bottom of the  
11 first page of 39, convictions resulting in  
12 recommitment. Sentence date is 11/24/2008,  
13 sentence federal indictment number 02CR0032-01,  
14 period, 24 month. Place of confinement,  
15 federal.

16 BY ATTORNEY TOBIN:

17 Q. At this point was Mr. Chappelle in federal  
18 custody or in a federal prison or in a state  
19 prison?

20 A. I believe at this point ---.

21 ATTORNEY KEATING:

22 At what point?

23 ATTORNEY TOBIN:

24 At this point.

25 ATTORNEY KEATING:

1 Give us a date, please.

2 ATTORNEY TOBIN:

3 July 29th, 2009.

4 A. Give me one second. I believe off the top  
5 of my memory ---. I have a green sheet here. I  
6 believe he was in our custody --- or not our  
7 custody, in DOC custody. Yes, on this date he  
8 returned to the SCI 4/15/2009, from federal  
9 custody.

10 BY ATTORNEY TOBIN:

11 Q. Is there something on this document that  
12 reflects when this decision was made to credit  
13 the two years to the federal sentence?

14 A. I believe the custody for return date, if  
15 you look back at the 39, is dated 4/14/2009.

16 ATTORNEY ROBINSON:

17 Listen to the question. You're  
18 asking him when that calculation was performed;  
19 correct?

20 ATTORNEY TOBIN:

21 I think so, yes.

22 ATTORNEY ROBINSON:

23 I don't want to put words in your  
24 mouth.

25 ATTORNEY TOBIN:

1 Right.

2 BY ATTORNEY TOBIN:

3 Q. From this document, can you tell when the  
4 calculation --- the recalculation was performed?

5 A. Yes. If you look at the very right-hand  
6 bottom it says modification date, last modified  
7 and time 7/29/2009, 2:43:25 p.m.

8 Q. And my understanding is that the Board makes  
9 the decision and then the Order to Recommit is  
10 done by a technician at the Central Office?

11 A. That's correct.

12 Q. Is this date at the bottom, 7/29/09, the  
13 date the technician made the recalculation, or  
14 the date the Board made the decision, or both,  
15 or neither?

16 A. This the date that the medication was  
17 issued. The Decision by the Board to recommit  
18 was previous.

19 Q. I need to re-ask this. When was the  
20 decision to apply the two years to the federal  
21 sentence made?

22 A. On 7/29/2009.

23 Q. And that Decision was made by the Board?

24 A. That decision was made by my technician.

25 ATTORNEY KEATING:

1 Can I ask the stenographer to  
2 repeat that question, please?

3 PREVIOUS QUESTION READ BACK

4 BY ATTORNEY TOBIN:

5 Q. If you look at page 12 of the same packet,  
6 which I believe was Exhibit D ---. And it's  
7 the December 3rd, 2008 letter to Catherine  
8 McVey.

9 A. This is the handout exhibit which you just  
10 furnished?

11 Q. No, it's what Mr. Robinson passed out. It  
12 might be in this packet.

13 ATTORNEY ROBINSON:

14 December 3rd, '08?

15 ATTORNEY TOBIN:

16 Letter.

17 ATTORNEY ROBINSON:

18 From Burton Rose?

19 ATTORNEY TOBIN:

20 Yes.

21 A. Okay.

22 ATTORNEY TOBIN:

23 If you could just take a moment  
24 to read that to yourself and let me know when  
25 you're done.

1 WITNESS COMPLIES

2 A. Okay.

3 BY ATTORNEY TOBIN:

4 Q. Do you recognize that document?

5 A. No.

6 ATTORNEY KEATING:

7 She's going to ask you about it  
8 anyway.

9 BY ATTORNEY TOBIN:

10 Q. So just reading what this is, what does  
11 this mean to you, if anything?

12 A. That it would be notification to the Board  
13 in the modification of the federal sentence on  
14 November 24th from U.S. District Judge Timothy  
15 Savage in the criminal case which we're  
16 discussing today, Criminal Action Number  
17 02-32-01. It's been modified to a term of  
18 24-month imprisonment.

19 Q. And it states that it was effective as of  
20 July 18th, '07; correct?

21 A. Correct. And the letter's dated 12/3/08.

22 Q. So what's your understanding of what the  
23 federal sentence, the running time and the  
24 order of sentence, is from this letter?

25 A. The order of sentence ---.

1 ATTORNEY KEATING:

2 Again, are we getting into fact  
3 witness or is this ---? He can testify as to  
4 what happened ---

5 ATTORNEY TOBIN:

6 Yeah.

7 ATTORNEY KEATING:

8 --- and when it happened.

9 ATTORNEY TOBIN:

10 I'm trying to understand ---.

11 ATTORNEY KEATING:

12 Let me finish. And there's no  
13 dispute what the letter says. And it said  
14 where the credit went. Which are all factual  
15 questions.

16 ATTORNEY TOBIN:

17 Let me ask you a question.

18 ATTORNEY KEATING:

19 Let me finish. But what his  
20 understanding of this ---. I don't see how  
21 that is relevant.

22 ATTORNEY ROBINSON:

23 Well, he's not testifying he's an  
24 expert.

25 ATTORNEY TOBIN:

1                   Okay. I'll withdraw the  
2 question.

3                   ATTORNEY KEATING:

4                   Thank you.

5                   BY ATTORNEY TOBIN:

6 Q.    So the information in this letter, would  
7 the Parole Board --- would your Operations Unit  
8 have used the information in this letter in any  
9 way?

10 A.    Yes.

11 Q.    And how would you have used it?

12 A.    Upon gaining a certified copy,  
13 verification that the sentence was actually  
14 changed, we would then look at our recommit  
15 action to look to see if modifications need to  
16 be made to the original modification. Which  
17 would have been ---. Because if Mr. Chappelle  
18 continued to go back to Court to be resentedenced  
19 it would have been a modification upon a  
20 modification.

21 Q.    And do you know, from your review of the  
22 file, whether what you just described happened,  
23 whether there was a review and a modification  
24 of his sentence?

25 A.    Yes, there was.



1 Q. After receiving this, after this letter  
2 was written?

3 A. There were two modifications. I don't  
4 know if it was prior to or after this. Our  
5 first modification was regarding the Board  
6 action that was issued --- just bear with me  
7 here ---

8 Q. Take your time.

9 A. --- April 16, 2009. We received  
10 information and we modified Mr. Chappell's  
11 Board action on that date for the first time.  
12 That's where we recalculated his max as  
13 9/6/2014.

14 Q. And how did that calculation ---. How was  
15 that calculation done?

16 A. That calculation was done in the same  
17 manner as all of our calculations. We're  
18 taking the date that the individual was  
19 paroled, subtracting it from his max date, and  
20 then allocating that time appropriately. And  
21 in this case Mr. Chappelle wasn't allocated  
22 that time, and that is why the 9/6/2014 date is  
23 what the original recalculated max turned out  
24 to be.

25 Q. So you're saying he was not allocated back

1 time?

2 A. That's correct.

3 Q. And you said there was a second  
4 modification after this letter?

5 A. Yes, the July 29, 2009 Board action. It's  
6 part of the record that was issued on that  
7 date, July 29, 2009, which establishes a parole  
8 violation max at 7/14/2009. We've modified  
9 that previous Board action of 4/16/09 to now  
10 allocate back-time credit for everything, with  
11 the exception of the two-year period that he  
12 was serving his federal sentence.

13 Q. And for that two-year period you testified  
14 earlier that it was the 2002 to 2004, I believe  
15 you said. February 20th of '02 to February  
16 20th of '04 was the ---

17 A. Yes.

18 Q. --- two-year period. Where did that time  
19 period come from?

20 A. The federal charges were levied. He was  
21 indicted. He did not post bail on 2/20/2002.  
22 Twenty-four (24) months from that point would  
23 calculate out to 2/20 of 2004. After all the  
24 dust settled on all of the resentencings, we  
25 took that period as service of that federal

1 sentencing. The court resentenced him to serve  
2 24 months and that's the period that seemed  
3 most logical. He was given credit for all  
4 periods before that and all periods after that.

5 Q. The Court resentenced him to 24 months in  
6 November of 2008; correct, the federal court?  
7 Actually, if you look at page ---.

8 A. Right. The Burton Rose letter to the  
9 Chairman indicates that on November 24,  
10 2008 ---. Okay.

11 Q. And if you flip two pages beyond that in  
12 that same packet.

13 A. To the Court Order?

14 Q. Yes.

15 A. Okay.

16 Q. So this document, this Court Order, is  
17 signed by the Judge in the federal case;  
18 correct?

19 A. Correct.

20 Q. And this states that the 24 months is  
21 effective as of July 18th, 2007; correct?

22 A. As I'm reading it, as per the Order that  
23 the Defendant's term of imprisonment is reduced  
24 to 24 months, effective as of July 18, 2007.

25 When the prison term is effective. It does not

1 specify what dates. It just says that this  
2 resentencing is effective on that date. That's  
3 the way I'm interpreting it.

4 Q. Does the Parole Board ---? Does your  
5 office use information from Court Orders in  
6 doing your calculations?

7 A. Yes.

8 Q. And who in your office uses that  
9 information?

10 A. I do, my technicians do, my parole  
11 managers do.

12 Q. Okay. And after getting a copy of this  
13 Order, you said when all the dust settled you  
14 allocated the two years to the 2002 to 2004  
15 period?

16 A. Yes.

17 ATTORNEY KEATING:

18 Objection. I don't believe he  
19 said that he allocated it.

20 A. My technician allocated it.

21 BY ATTORNEY TOBIN:

22 Q. Instead of allocating it from July 18th,  
23 2007 forward?

24 A. That's correct.

25 Q. Does the Parole Board have any ---? Does

1 your office have any ability to determine  
2 whether someone is serving their federal  
3 sentence in a state institution?

4 A. Rephrase that. I'm kind of unclear what  
5 you're asking.

6 Q. Does the Parole Board or your technicians  
7 have authority to determine or to make  
8 someone's federal sentence be served while  
9 they're in a state institution?

10 A. No, we don't ---.

11 ATTORNEY ROBINSON:

12 You're asking him whether the  
13 Board can designate it or whether they can find  
14 out what's happening?

15 ATTORNEY TOBIN:

16 Whether they have the authority  
17 to apply credit for a federal sentence while  
18 somebody is serving time in a state  
19 institution.

20 ATTORNEY ROBINSON:

21 That's a legal ---. I mean,  
22 that's a question of law, I think.

23 A. As responded to previously ---.

24 ATTORNEY ROBINSON:

25 It either can or it can't,

1 according to how sentences are calculated under  
2 the Prisons and Parole Code, Parole Act, as it  
3 was known then, as interpreted by the  
4 Commonwealth Court.

5 ATTORNEY TOBIN:

6 So let me ask a different  
7 question then.

8 BY ATTORNEY TOBIN:

9 Q. When you're doing your calculations, how  
10 do you know or find out which sentence someone  
11 is serving at a particular time when they're in  
12 prison? How do you know that?

13 A. Our order is the service of the sentences.  
14 And it dictates how we calculate. As I was  
15 explaining earlier, if it's an SCI sentence,  
16 back time comes first, the recommitment  
17 sentence comes second. If it's a sentence in  
18 another domain or county, that sentence has to  
19 be served first prior to becoming eligible,  
20 available to the Board for us to issue a final  
21 correction. So there's different criteria that  
22 we have to follow which dictates how we  
23 calculate and recalculate or make a Board  
24 action when available for finalizing.

25 Q. But you don't make the determination of

1     which sentence someone is serving at a ---?

2     You don't make the concurrent, consecutive or  
3     order of sentences determination?

4     A.   No, the court does that.  The Parole Act,  
5     or the Prisons and Parole Code, as it is called  
6     now, established all the criteria for which we  
7     work with to finalize these cases.

8     Q.   In Mr. Chappelle's case, did you consult  
9     with or communicate with the DOC or any of your  
10    staff about Mr. Chappelle's federal --- how to  
11    handle Mr. Chappelle's federal resentencing?

12    A.   Over the years?

13    Q.   Yes.

14    A.   Did I personally?  Of course.

15    Q.   And ---.

16    A.   I mean, Mr. Chappelle's been back into  
17    court for resentencing so many times.  I was  
18    involved in vacating the other recommitments,  
19    coordinating the new hearings to be scheduled  
20    with our field staff.  And as to, was I  
21    involved in this most recent recalculation or  
22    previous recalculation?  I really don't  
23    remember.

24    Q.   When you say involved, did that include  
25    communicating with the DOC Records Office or

1 records administrator about this issue?

2 A. They could have been. I can't say for  
3 certain. His original sentence ---.

4 ATTORNEY ROBINSON:

5 Do you recall whether you  
6 communicated with DOC about ---?

7 A. No, I don't. You have to realize that  
8 originally not only was the 162 or 3 month  
9 sentence vacated, so was the conviction, which  
10 meant then that our recommitment hearing was  
11 invalid. And he was resentenced, I believe,  
12 then to a 65-month sentence, so another hearing  
13 had to be held. And I do recall being involved  
14 with the legwork to get everything moving up to  
15 the point where we're at now. But what my  
16 involvement was ---.

17 BY ATTORNEY TOBIN:

18 Q. And you testified earlier you don't recall  
19 having discussions with Mr. Chappelle about  
20 this?

21 A. No.

22 Q. So during the federal resentencing, his  
23 back time on his original court-imposed  
24 sentence didn't change? The amount of time he  
25 had left to serve on that original sentence



1 didn't change?

2 A. No, that stays static. And that's  
3 controlled --- as I testified to previously,  
4 the difference between the max date and the  
5 parole date. The actual date that he signs his  
6 release orders dictates that amount of time.

7 Q. I'm sorry. The date that who signs his  
8 release orders?

9 A. The inmate.

10 Q. Okay. The PB-10 and 11?

11 A. Yes.

12 Q. Okay. Does a Federal Court's Order that a  
13 federal sentence should run concurrent to a  
14 state sentence have any impact on how the Board  
15 does the recalculation?

16 ATTORNEY KEATING:

17 I'm going to object to that  
18 question. You're asking for ---.

19 ATTORNEY TOBIN:

20 If you know.

21 ATTORNEY KEATING:

22 No, you're asking for a legal  
23 opinion, Board opinion. We're talking about  
24 how Mr. Chappelle's time gets calculated.

25 ATTORNEY TOBIN:

1 If he can answer the question, he  
2 should be able to answer the question.

3 ATTORNEY KEATING:

4 I'm objecting to ---.

5 ATTORNEY TOBIN:

6 And your objection is noted.

7 ATTORNEY ROBINSON:

8 What are you asking him?

9 ATTORNEY TOBIN:

10 I'm just ---.

11 ATTORNEY ROBINSON:

12 Are you asking him does the Board  
13 consider Federal Court Orders or are you asking  
14 him how do we interpret these Federal Court  
15 Orders as they apply to Pennsylvania State Law  
16 as ---?

17 ATTORNEY TOBIN:

18 Neither. Neither. I'm asking  
19 how ---.

20 ATTORNEY ROBINSON:

21 What are you asking?

22 ATTORNEY TOBIN:

23 I'm asking what I thought I asked  
24 before, which was in the recalculation process,  
25 does the fact that a Federal Court has ordered

1 a federal sentence to run concurrently to a  
2 state sentence impact the recalculation  
3 process.

4 ATTORNEY ROBINSON:

5 You're asking hypothetical  
6 questions. If you can show me factually how  
7 that relates to this case, ---

8 ATTORNEY TOBIN:

9 Okay.

10 ATTORNEY ROBINSON:

11 --- perhaps we can get there. I  
12 mean the Order is the Order, and it says what  
13 it says. And he has explained how he  
14 calculated the sentence. So if you're going  
15 beyond that, he's being called as something  
16 other than a fact witness, which ---.

17 ATTORNEY TOBIN:

18 Okay. Well, I will show you a  
19 document.

20 ATTORNEY KEATING:

21 You asked it before. Did he  
22 answer it before?

23 ATTORNEY TOBIN:

24 He did not, I don't believe.

25 ATTORNEY KEATING:

1 Was it subject to an objection?

2 BY ATTORNEY TOBIN:

3 Q. Do you know whether Mr. Chappelle was ---  
4 one of his federal resentencings was for 95  
5 months running concurrent to his state  
6 sentence?

7 A. I believe one of the resentencings was. I  
8 believe it went from 162 months, and he was  
9 resentenced to 95 months and four years  
10 probation supervision. Off the top of my head  
11 I don't know whether it was ordered concurrent  
12 or consecutive, but as I indicated earlier, you  
13 know, at the time ---.

14 ATTORNEY ROBINSON:

15 Answer the question.

16 A. No.

17 BY ATTORNEY TOBIN:

18 Q. So ---.

19 ATTORNEY KEATING:

20 Wait a minute. The question was  
21 whether the federal sentence was concurrent to  
22 the state sentence?

23 ATTORNEY TOBIN:

24 Yes. Was ordered to run  
25 concurrent to the state sentence.

1 ATTORNEY KEATING:

2 Okay.

3 A. Yes, it could have been.

4 BY ATTORNEY TOBIN:

5 Q. Okay. I can't find the Order in here.

6 Unfortunately, I didn't bring my whole file.

7 Do you have a section of the file that contains  
8 Federal Court Orders in Mr. Chappelle's file?

9 A. We don't have a section file with Court  
10 Orders. No, I don't.

11 Q. Well, I will represent to you that he was  
12 sentenced to 95 months to run concurrent to his  
13 state sentence.

14 A. Okay.

15 Q. Unfortunately, I don't have the document  
16 right in front of me. Did that have any impact  
17 on the recalculation of his parole max date?

18 A. May I answer?

19 ATTORNEY ROBINSON:

20 If you can. And I mean he has  
21 already explained how the sentence is  
22 calculated.

23 A. Our calculation ---.

24 ATTORNEY ROBINSON:

25 He answered several times.

1 A. Right.

2 ATTORNEY ROBINSON:

3 They allocated 24 months to the  
4 federal time, based on what he said they did.  
5 Whether that was right, wrong, or different is  
6 something we've probably discussed before, and  
7 is a legal question. So I mean he has already  
8 explained how they calculated the sentence.

9 BY ATTORNEY TOBIN:

10 Q. Is the Parole Board responsible or is your  
11 unit responsible for making sure that the  
12 inmate serves his federal sentence first before  
13 serving the remainder of his original state  
14 sentence?

15 A. We're responsible for the issuance of  
16 Board actions. We would not issue a final  
17 recommitment Board action until the offender is  
18 available to us. And that's one of the  
19 criteria, is that he would have to serve that  
20 sentence prior to becoming available.

21 Q. And how do you get notified? How are you  
22 notified that he has served that sentence?

23 A. There are a number of different ways that  
24 we get notified. If the Board is tasked with  
25 transporting the individual, whoever does the

1 transport. If it's interstate, they're  
2 responsible for arranging ---. If it's a  
3 private entity that's doing the transport, they  
4 would bring us the file. They would notify us.  
5 There would be documentation in the file  
6 regarding the release from the federal sentence  
7 date to pick up by the state. The agent, if  
8 the agent is aware and picks the individual up,  
9 they would notify us. If the institutional  
10 parole officer ---.

11 You have to realize that we have one  
12 available Board action. And that one available  
13 Board action was issued contingent on the  
14 service of the sentence becoming available to  
15 the Board. And one of the things typically is,  
16 he's not at the SCI or in SCI custody, DOC  
17 custody. As in Mr. Chappelle's case, he was in  
18 and out, in and out, in and out. Once he is  
19 returned, you know, they could notify us and we  
20 would look at the case.

21 Q. Okay.

22 A. So there's a lot of different ways that we  
23 get notified, you know.

24 Q. In Mr. Chappelle's case, is there a  
25 document that exists in the file that shows you

1 he's now available to serve his parole  
2 violation?

3 A. The Board actions are proof of the  
4 recalculations. The Board actions that we  
5 issue are verification that we would have  
6 gotten notification.

7 Q. So looking back at Exhibit E, which was  
8 the packet that I passed out --- it is the  
9 Board actions.

10 A. Got it.

11 Q. If you could look through those and see if  
12 there is one that indicates the when-available  
13 --- that Mr. Chappelle is now available to  
14 serve his --- the remainder of his original  
15 sentence.

16 ATTORNEY KEATING:

17 When you say original sentence,  
18 you mean state sentence?

19 ATTORNEY TOBIN:

20 Yes.

21 WITNESS REVIEWS DOCUMENT

22 A. If you refer to the April 16, 2009  
23 recommitment Board action, which you furnished  
24 my packet, that would be the first indication  
25 that the Plaintiff, Mr. Chappelle, was



1 available to us. Issued the final recommitment  
2 Board action at that time.

3 BY ATTORNEY TOBIN:

4 Q. Okay. What triggered this April 16th,  
5 2009 Board action? What led to this?

6 A. I believe this would have been issued upon  
7 receiving and verifying information that he was  
8 resentenced to a 24-month term of imprisonment  
9 and that he would have been available to us.

10 Q. That would have been the Federal Court  
11 Order?

12 A. Correct. It may not have been the Court  
13 Order that you're providing as an exhibit, but  
14 we would have verified the --- had to have  
15 verified the information of the sentence change  
16 prior to ---

17 Q. Okay.

18 A. --- initiating the calculation.

19 Q. And if you look back through the previous  
20 Notice of Board Decisions, starting with the  
21 one on November 9th, 2006. This is also  
22 Exhibit E.

23 A. Okay.

24 Q. Am I correct in understanding that this  
25 notice told Mr. Chappelle that he was being

1        paroled to his federal sentence?

2        A.    His federal detainer sentence.

3        Q.    What's the difference between a federal  
4        sentence and a federal detainer sentence?

5        A.    In this case he had a federal detainer,  
6        which was a sentence lodged at the DOC.

7        Q.    What is a federal detainer sentence?

8        A.    In this case it would have been, at this  
9        point, a federal detainer for the unserved  
10       sentence --- it was either the 162 or 3 month  
11       or the 95-month sentence --- was lodged as a  
12       detainer with the DOC. I mean, you could have  
13       a detainer. It could be a parole violation  
14       detainer. There are a number of different  
15       detainers. He was being reparaoled through a  
16       federal detainer sentence.

17       Q.    And what would have triggered this Board  
18       action?

19       A.    I believe that this was the 162-month  
20       sentence. Because that whole conviction was  
21       vacated, which then made this an invalid  
22       action. That's why we had the rescind down the  
23       road. It could have played out different ways,  
24       but I believe the detainer in this case was  
25       that initial sentence.

1 Q. Okay. So this action, the November 9th,  
2 2006 action, was rescinded?

3 A. Yes. And to answer your question, that  
4 decision was based off of a reparole review.

5 Q. And if you look at the next Notice of  
6 Board Decision, dated March 2nd, 2007, it  
7 states that it rescinds the Board actions of  
8 5/6/03, 12/2/03, 3/5/04, 9/7/04, 9/23/05 and  
9 11/9/06. What does that mean, rescind those  
10 Board actions?

11 A. This Board action was prompted by Mr.  
12 Chappelle's conviction being vacated. Not just  
13 resentenced, the entire conviction sentence was  
14 vacated by the court. He entered a guilty plea  
15 and then was resentenced. Therefore, any  
16 recommitment actions that we issued previously,  
17 the reparole to the detainer were invalid. We  
18 voided the original hearing, which was the  
19 recommitment hearing for the 172 or 162-month  
20 conviction, and we had to hold new hearings.

21 Once that conviction was vacated, you have  
22 to remember that, you know, the criteria that  
23 we outlined earlier, there has to be a  
24 conviction in a court record. The conviction  
25 has to be upon --- that would carry jail time.

1 Well, when the conviction was vacated, all bets  
2 were off. That hearing was void. The Board  
3 actions were invalid. Our field staff had to  
4 set up new hearings. And that is why we have  
5 rescission or rescind Board actions in  
6 this ---. Then we returned him to unavailable  
7 because now you have to realize he's not  
8 available again, because now he has a new  
9 sentence that he hasn't served yet.

10 Q. And these Board actions that were  
11 rescinded --- they're also I believe in the  
12 same packet of Notice of Board Decisions ---  
13 were these Board actions just denying him  
14 parole during that time period?

15 A. A lot of them are the refusals and are  
16 prefaced with the rescinding of those ---.

17 ATTORNEY ROBINSON:

18 Listen to the question.

19 BY ATTORNEY TOBIN:

20 Q. So during that time period, Mr. Chappelle  
21 had parole hearings and he was denied parole?

22 A. Correct.

23 Q. And he was in Coal Township during that  
24 time period, while he was having those Board  
25 hearings?

1 A. More than likely. I really didn't match  
2 up the dates of the Board actions and where he  
3 was being housed.

4 Q. And during that time period, the Board  
5 actions of 5/6/03 through 11/9/06, he was  
6 serving his original state sentence --- or was  
7 he serving his original state sentence?

8 A. No.

9 Q. What was he serving?

10 A. He was when available, according to the  
11 March 2nd, 2007 Board action.

12 Q. Okay.

13 A. I mean, what he was serving at that time,  
14 because of the federal detainer for that  
15 sentence, he really wasn't available to us, so  
16 he wasn't serving our sentence. As what the  
17 Feds gave him credit for, that was solely up to  
18 them.

19 Q. The Notice of Board Decisions state at the  
20 top, as recorded on and then a date. Are the  
21 Board Decisions recorded any place other than  
22 the Notice of Board Decision and their  
23 Recommitment Orders? Are there other documents  
24 that are recorded when the Board makes a  
25 Decision?

1 A. Not that I'm aware of.

2 Q. So it would just be the Notice of Board  
3 Decision and the Recommitment Order?

4 A. Correct.

5 Q. And so the rationale behind the Board  
6 Decision, would that be included on either  
7 document?

8 ATTORNEY ROBINSON:

9 I'm going to object. The Board's  
10 Decision says what it says. I'm not sure you  
11 need the rationale behind it.

12 BY ATTORNEY TOBIN:

13 Q. The reason for the Board's Decision, is  
14 that recorded anywhere?

15 ATTORNEY ROBINSON:

16 He just testified that is the  
17 Board's Decision right there.

18 ATTORNEY TOBIN:

19 So the answer is that the reason  
20 would be included on the Notice of Board  
21 Decision itself? There's no backup document,  
22 is what I'm trying to get at. No other  
23 document that generates the Notice of Board  
24 Decision.

25 ATTORNEY ROBINSON:

1 Are we talking about a  
2 recalculation order?

3 ATTORNEY TOBIN:

4 I'm just asking what other  
5 documents are generated when the Parole Board  
6 reviews someone when they're applying for  
7 parole.

8 ATTORNEY ROBINSON:

9 When they're applying for parole?

10 ATTORNEY KEATING:

11 Or subsequent to the hearing?

12 ATTORNEY TOBIN:

13 Subsequent to the hearing, yes.

14 Thank you. The documents that are issued after  
15 the hearing, what do they consist of? Is it  
16 only the Recommitment Order and the Notice of  
17 Board Decision or is there another document  
18 that's generated?

19 ATTORNEY KEATING:

20 There may be a vote sheet, but  
21 that's confidential. I don't know if you'd  
22 have a vote sheet.

23 ATTORNEY ROBINSON:

24 I'm not trying to be cagey here,  
25 I'm just trying to understand what you're

111

1 asking. The Board's Decision is the Board's  
2 Decision. When there's a hearing conducted, of  
3 course they'd rely on the evidence that is  
4 presented. You know, there's testimony,  
5 there's exhibits, I'm sure the Board members  
6 take notes.

7 ATTORNEY TOBIN:

8 Sure. No, I'm talking about ---.

9 ATTORNEY ROBINSON:

10 We're talking about a different  
11 animal here. We're talking about a  
12 recalculation order.

13 ATTORNEY TOBIN:

14 I just want to make sure that I'm  
15 not ---. I have a stack of Notice of Board  
16 Decisions and a stack of Recommitment Orders  
17 that are issued after the hearings. I just  
18 want to know if there's another category of  
19 document that is also issued after the hearing.

20 ATTORNEY ROBINSON:

21 No. Well, I guess I can't  
22 testify.

23 ATTORNEY TOBIN:

24 Yeah.

25 BY ATTORNEY TOBIN:



1 Q. Can I ask you that?

2 A. I believe I already testified to no. I  
3 mean, prior to all this dialogue.

4 Q. Okay. I apologize. I must have missed  
5 that. What is delinquent time?

6 A. Delinquent time is when a parolee absconds  
7 parole supervision. From the point that he  
8 absconds to the point that he's detained on our  
9 Board warrant, during that period he's  
10 considered delinquent.

11 Q. Does the Parole Board calculate delinquent  
12 time?

13 A. Yes.

14 Q. And what impact does that have on the  
15 inmate's court-imposed sentence, if any?

16 A. None.

17 Q. Is delinquent time ---?

18 ATTORNEY ROBINSON:

19 Wait. Which court-imposed  
20 sentence?

21 ATTORNEY TOBIN:

22 The original court-imposed ---.

23 ATTORNEY ROBINSON:

24 The original court-imposed ---

25 ATTORNEY TOBIN:

1 Yes.

2 ATTORNEY ROBINSON:

3 --- sentence or the new one?

4 ATTORNEY TOBIN:

5 The original court-imposed  
6 sentence.

7 ATTORNEY KEATING:

8 Okay. But the Board didn't  
9 impose any sentence.

10 ATTORNEY TOBIN:

11 Right. I said court-imposed.

12 ATTORNEY KEATING:

13 And I believe ---.

14 ATTORNEY ROBINSON:

15 You said Board sentence, I  
16 believe.

17 ATTORNEY KEATING:

18 Well, I mean ---.

19 A. When I answered the emphatic, no, I  
20 thought you were referring to a recommitment  
21 sentence. Delinquent time has no impact on a  
22 direct parole recalculated max date. On a  
23 technical parole violation, the amount of  
24 delinquent time on a recalculation only would  
25 be added to the max date.

1           In Mr. Chappelle's case, a direct parole  
2       --- as being a direct parole violator, we're  
3       looking at his back time, which would trump and  
4       make the delinquent time a moot point. We're  
5       going to take the date that he's paroled from  
6       the max date, and that's what we're going to be  
7       allocating.

8       BY ATTORNEY TOBIN:

9       Q.   And is it correct to say that delinquent  
10      time is one subset of state time?

11      A.   Yes.

12      Q.   Okay. If an inmate has questions about  
13      his back-time calculation or parole violator  
14      max date calculation, is there another way,  
15      apart from appealing the Board Decision, that  
16      he can address those issues with the Parole  
17      Board?

18      A.   I believe the appeals process. I mean,  
19      that's something that Chief Counsel ---. But I  
20      believe it's the appeals process.

21      Q.   Okay. You don't have an inmate help line  
22      at the Parole Board where they can call up  
23      and ---?

24      A.   As a matter of fact, we do. It's called  
25      the inmate inquiry.

1 Q. Oh.

2 A. And if there would be an inquiry, they  
3 would look at it and bring it to our attention.

4 Q. And that's here at the Central Office?

5 A. Correct.

6 Q. Is there a phone number?

7 A. I don't know it offhand.

8 Q. Is there a person, like one particular  
9 person, who handles recalculation issues or  
10 does each staffer have a caseload?

11 A. That's correct, each parole staff  
12 technician is assigned a caseload.

13 Q. And is there a person who is assigned to  
14 be a liaison with the DOC about issues relating  
15 to Parole Board calculations?

16 A. No.

17 Q. Can the staff technicians communicate with  
18 the DOC about these parole calculations?

19 A. Yes.

20 Q. Is the DOC able to contact those  
21 technicians and ask about a particular  
22 calculation?

23 A. Yes.

24 Q. Do you know if that happens?

25 A. Yes.

1 Q. And how frequently does it happen?

2 A. It's rather frequent.

3 Q. If there had been, in Mr. Chappelle's  
4 case, communications from the DOC to the Parole  
5 Board about particular calculations, would  
6 those be in his file?

7 A. They may, they may not be. They may.

8 Q. Do you know who the technician was who was  
9 assigned to Mr. Chappelle's case?

10 A. Yes.

11 Q. Who was that?

12 A. Which calculation? Yes. I mean, we have  
13 three. We have the original recalculation,  
14 done I believe around 2002, was a technician  
15 who's no longer with us, who retired, Judy  
16 Magaro (phonetic). Yeah. I'm sorry, Mary  
17 Risetta (phonetic) was the first one,  
18 3/14/2002. Judy Magaro --- I saw her initials  
19 here --- December 2nd, 2003, issued that  
20 recalculation. Yvonne Bricker issued the  
21 recalculation, I believe it was in ---. Hold  
22 on, let me get to the right one ---. I'm  
23 sorry, I believe that was Juanita Herndon  
24 (phonetic). She was responsible for the  
25 rescind Orders, March 2nd, 2007. I think

1 probably every one of my staff probably looked  
2 in these. On June 25th, 2007 Carol Frankavilla  
3 (phonetic). On April 16, 2009, Yvonne Bricker.  
4 And then the last Board action on 7/29/09 it  
5 looks like it was Yvonne Bricker again.

6 BY ATTORNEY TOBIN:

7 Q. So Mr. Chappelle's file wasn't with one  
8 person the whole time? There was no one  
9 technician responsible for his ---?

10 A. That's correct, there were plenty of eyes  
11 on this case from the very beginning.

12 Q. And how are the communications between the  
13 DOC and the Parole Board technicians  
14 documented? Would there be a note in the file,  
15 for example?

16 A. There may be a note. Maybe e-mail  
17 correspondence.

18 Q. And you were supervising each of these  
19 technicians throughout the course of this?

20 A. Yes.

21 Q. Did you ever receive any phone calls from  
22 the DOC about the Parole Board recalculations?

23 A. Oh, I don't remember.

24 Q. When you get the DC-16E form or when you  
25 have access to it on a computer, does the

1 Parole Board double-check the accuracy of the  
2 numbers that are put on it --- that are input  
3 onto the form?

4 A. Not on every 16E.

5 Q. On some of them?

6 A. On recommitments, where the inmate is  
7 rolling over. As I explained earlier, the SCI  
8 sentence where he's rolling over, he's being  
9 paroled or maxed from the instant offense and  
10 now he's being rolled over to the reason to  
11 recommitment, which is to be served at the SCI.  
12 The office of the Board Secretary will review  
13 that to make sure that he's getting the credit  
14 that he should get or is getting credit he  
15 shouldn't be getting.

16 Q. Any other times when the Parole Board  
17 would check the accuracy of the DC-16E?

18 A. That would be a different division. That  
19 would be our Case Management Division that  
20 creates the sentence profile. They would be  
21 dealing with the 16Es on that end. And if  
22 anything looked out of skew, they would be  
23 addressing it on that end, not my technicians.

24 Q. And the technicians work in the Violator  
25 Division, I think you said. Is that the name?

1 A. That's correct, the Violator Unit.

2 Q. What's the custody for return date?

3 A. That's the date that the inmate/parolee  
4 becomes available to the Board.

5 Q. Is that the same as the when-available  
6 date?

7 A. No. The individual is when available  
8 until he becomes available to us. A custody  
9 for return date may be a sentencing date, a  
10 date that he's paroled from the reason to  
11 recommit sentence. It's when, as I explained  
12 previously, he's available to us when our  
13 warrant is the sole purpose for his  
14 incarceration. So if he has another sentence  
15 that he's serving, is a reason to recommit, he  
16 becomes available, his effective date of return  
17 would be when the court releases him from that  
18 sentence.

19 Q. But it's not the same as the  
20 when-available date?

21 A. No.

22 Q. And who calculates the custody for return  
23 date?

24 A. It's not calculated, it's a matter of  
25 fact.



1 Q. And you said it comes from ---?

2 A. The court.

3 (Janis' Deposition Exhibit F  
4 marked for identification.)

5 BY ATTORNEY TOBIN:

6 Q. I'm going to show you this document  
7 labeled F. If you could review that. Do you  
8 recognize that document?

9 A. Yes, I do.

10 Q. And what is this?

11 A. This is a hand-typed PBPP-39, the Board's  
12 official Recommitment Order. I believe it  
13 would have been dated in this case December  
14 2nd, 2003.

15 Q. And under custody for return on this  
16 document it says 9/23/02. Do you know why that  
17 date is there; what that relates to?

18 A. It probably is the initial sentencing of  
19 Mr. Chappelle. 9/23/2002 he was sentenced, the  
20 U.S. District Court Eastern District,  
21 indictment number 02CR0032-01, counts one, two,  
22 three. So a total of a 162-month sentence. So  
23 that would be the date that he was originally  
24 sentenced on his federal conviction.

25 Q. And then a few lines up it says back-time

1 dates from 9/26/01 to 2/20/02.

2 A. Okay.

3 Q. What does that time period represent?

4 A. That would represent the date that our  
5 warrant was lodged, and then the date that the  
6 State charges were withdrawn and the Feds  
7 stepped in. So as indicated in my testimony  
8 previously, when our warrant defaults to the  
9 sole purpose for his incarceration, we would be  
10 giving him credit towards the court's original  
11 sentence. And that's what we did in this case  
12 at that point.

13 Q. So that credit goes to his original ---

14 A. Yes.

15 Q. --- sentence?

16 ATTORNEY ROBINSON:

17 You have to let her finish the  
18 question.

19 A. All right.

20 BY ATTORNEY TOBIN:

21 Q. And so the time period from 2/20/02 to  
22 9/23/02, how is that accounted for?

23 A. Could you repeat that?

24 Q. So the time period from the end of the  
25 back-time dates period, which is 2/20/02, to

1 the custody for return date, how is that time  
2 period accounted for?

3 A. Which time period are you looking at?

4 Q. From February 20th of 2002 to 9/23/02.  
5 That time, roughly seven months.

6 A. Oh, that would go towards his federal  
7 sentence. You're referring to the back-time  
8 dates, 9/26/01 to 2/20/02, and then you're  
9 looking for what happens from 2/20/02 to  
10 9/23/02?

11 Q. Yes.

12 A. Okay. He was arrested on 2/20/2002 by the  
13 Feds. He didn't post bail. That would be  
14 credited towards the reason to recommit.

15 Q. Okay. You testified earlier that the  
16 Parole Board decided to credit that to his  
17 federal sentence?

18 ATTORNEY ROBINSON:

19 I don't know whether the Board  
20 can credit anything to a federal sentence. We  
21 will calculate our sentence based on the  
22 requirements of the parole statute and the case  
23 law. And what the Feds do with that time, I  
24 mean that's up to them, obviously.

25 ATTORNEY TOBIN:

123

1 But that's how you calculate ---.

2 ATTORNEY ROBINSON:

3 We don't calculate federal  
4 sentences. You need to be clear on that.

5 BY ATTORNEY TOBIN:

6 Q. And what is confinement time on this  
7 document? What does that mean?

8 A. If you notice, there is nothing indicated.

9 Q. What is it?

10 A. That would be any previous time that he  
11 was confined on the Board's warrant from the  
12 date of his release up to the date that we do  
13 this. We would be giving him a credit from any  
14 periods that we had him detained towards that  
15 initial sentence which he's on parole. But it  
16 is blank. He hadn't been detained prior to  
17 that.

18 Q. If I'm understanding what you've said so  
19 far --- tell me if I'm not --- the two year  
20 federal sentence was applied in your  
21 calculation in July of 2009?

22 A. Correct.

23 Q. So at the time that this Recommitment  
24 Order was issued in 2003, that hadn't been done  
25 yet, it was retroactively done in July of 2009?

1 ATTORNEY ROBINSON:

2 You're asking him whether he did  
3 something ---?

4 A. 2003. That occurred in 2009? I'm  
5 not ---.

6 BY ATTORNEY TOBIN:

7 Q. The Board's application of two years of  
8 federal time didn't happen until 2009. That's  
9 what you testified to earlier. At the time  
10 that this was issued, that decision hadn't been  
11 made yet, had it?

12 ATTORNEY ROBINSON:

13 I don't think it could be. He  
14 stated that the calculation was done in 2009,  
15 and this calculation was done in 2003.

16 ATTORNEY KEATING:

17 Unless he went in a way back  
18 machine.

19 ATTORNEY TOBIN:

20 All right.

21 OFF RECORD DISCUSSION

22 BY ATTORNEY TOBIN:

23 Q. And how is the recomputed max date on this  
24 document, 2/16/08, how did that get calculated?

25 ATTORNEY KEATING:

1 Is that an exhibit?

2 ATTORNEY TOBIN:

3 It is. It's Exhibit ---

4 ATTORNEY KEATING:

5 Exhibit what?

6 ATTORNEY TOBIN:

7 --- F.

8 A. It was calculated the way I explained that  
9 we calculate. If you look at the document, the  
10 PBPP-39, the maximum date is 1/26/2007, Board  
11 warrant date 4/9/01. The back-time credit  
12 subtracted from that raw figure, the back time  
13 owed, which I said was 5 years, 9 months, 19  
14 days, is calculated out to the back time owed,  
15 which was 5 years, 4 months, 23 days. That is  
16 added to the custody return date and that's how  
17 you get the recalculated max of 2/16/2008.

18 BY ATTORNEY TOBIN:

19 Q. And so the time period from 2/20/02 to  
20 9/23/02 isn't credited --- isn't included as  
21 back-time credit?

22 A. Correct.

23 Q. Okay.

24 A. Well, it's not credited. As we discussed  
25 earlier, the back-time credit stopped at

1 2/20/2002, but we issued a final Board action  
2 as a recomputed max, as indicated on here,  
3 2/16/2008.

4 OFF RECORD DISCUSSION

5 A. If Mr. Chappelle would have ---. I mean,  
6 he would have got out in 2008 if he wouldn't  
7 have continued to have his sentences ---.

8 ATTORNEY ROBINSON:

9 You don't have a question in  
10 front of you.

11 (Janis' Deposition Exhibit G  
12 marked for identification.)

13 BY ATTORNEY TOBIN:

14 Q. Okay. In this Exhibit F, which is a  
15 collection of ---. Actually, it's just one.  
16 I'll show you another document. We'll call  
17 this Exhibit G. Do you recognize that  
18 document?

19 A. Yes, I do.

20 Q. And what is this?

21 A. This is the Board's official Recommitment  
22 Order, PBPP-39, and it's dated 4/16/2009.

23 Q. And was this Recommitment Order ---? What  
24 conviction was this Order to Recommit based on?

25 A. This was based on Chappelle's second

1 resentencing to 24 months in federal custody.

2 Q. And was that the case that he caught when  
3 he was arrested in September of '01?

4 A. Correct.

5 Q. And he ---.

6 ATTORNEY KEATING:

7 Excuse me. Was that a case he  
8 caught when he was arrested in 2001? The  
9 question ---.

10 BY ATTORNEY TOBIN:

11 Q. Was this the conviction that stemmed from  
12 his arrest on September 26, 2001?

13 A. Yes.

14 Q. After the State nolle prossed his charges?  
15 The State nolle prossed the charges and the  
16 Feds picked up the case; is that accurate?

17 A. We're going back now to 2001. I mean ---.

18 Q. It's the same arrest.

19 A. The same arrest.

20 Q. And he'd already been recommitted due to  
21 that arrest; isn't that correct?

22 A. He was recommitted, yes. But, then, as  
23 you recall, we rescinded those because the  
24 sentence on the recommitment was vacated, the  
25 conviction. So we had to go through everything



1 all over again.

2 Q. And that sentence was the one imposed in  
3 2002?

4 A. 2006, I think. I may stand corrected.  
5 11/21/2006 he entered another plea of guilty  
6 and sentenced to 95 months.

7 Q. So he had already come back on that. Then  
8 that was vacated in 2008 and then this Order  
9 came out because of the ---?

10 ATTORNEY KEATING:

11 Objection.

12 BY ATTORNEY TOBIN:

13 Q. He was already recommitted based on the  
14 arrest in 2001 and the federal conviction  
15 stemming from that arrest; isn't that accurate?  
16 It's the same case.

17 ATTORNEY KEATING:

18 You said he was recommitted.  
19 That's a different question than whether it's  
20 the same case.

21 BY ATTORNEY TOBIN:

22 Q. Is it accurate to say that he had several  
23 --- three Recommitment Orders related to the  
24 same federal case?

25 A. That would be accurate. I mean, I believe

1 he had two, not three. Recommitment Orders,  
2 yes.

3 Q. Three Recommitment Orders related to the  
4 same ---?

5 A. Yes.

6 (Janis' Deposition Exhibit H  
7 marked for identification.)

8 BY ATTORNEY TOBIN:

9 Q. Were there any other ---? And so that I'm  
10 not just talking --- let me show you Exhibit H.  
11 Is this also --- Exhibit H also a Recommitment  
12 Order based on the same federal case?

13 A. Yes.

14 Q. Other than these three Orders to Recommit,  
15 were there any other Orders to Recommit issued  
16 by the Parole Board?

17 ATTORNEY KEATING:

18 Now you're way over ---.

19 ATTORNEY ROBINSON:

20 When you're saying three, are we  
21 talking about a final one included in that  
22 number, ---

23 ATTORNEY TOBIN:

24 Yes.

25 ATTORNEY KEATING:

1 --- i.e., the July 29th?

2 ATTORNEY TOBIN:

3 Yes. I want to make sure I have  
4 all the Orders to Recommit.

5 ATTORNEY KEATING:

6 You got them all. You got them.

7 ATTORNEY TOBIN:

8 Okay.

9 BY ATTORNEY TOBIN:

10 Q. And if you'll take a look at the document  
11 at the bottom, which is labeled Bates 945.  
12 It's Exhibit G. There doesn't appear to be any  
13 section on this form that shows the total  
14 sentence imposed, the total original sentence.  
15 Is there a place that shows the total sentence  
16 on this?

17 A. Which total sentence?

18 Q. The 6 to 12.

19 A. If you look below the county, below the  
20 term and OTN, that's your 6 to 12.

21 Q. How is that ---?

22 A. Those are the two indictment numbers that  
23 he was sentenced to serve consecutively for 6  
24 to 12.

25 Q. So to find out the 6 to 12 information

1 you'd have to look at some other document to  
2 get that?

3 A. Right. Correct.

4 Q. And the Parole Board doesn't keep track of  
5 how much time somebody has left to serve on his  
6 original sentence; is that correct?

7 A. Run this by me again.

8 Q. You don't track the time remaining to  
9 serve on an original sentence on these forms,  
10 Orders to Recommit?

11 A. On these Recommitment Orders we establish  
12 the recalculated max. In this case, the two  
13 that you furnished to me, we have a  
14 recalculated max of 9/6/2014. Once we issue  
15 that in a final Board action --- these only  
16 arrive with the final Board action --- we no  
17 longer have any vested interest. That  
18 information is passed to the DOC and ---.

19 Q. So at the very top of this form, the small  
20 print ---?

21 ATTORNEY KEATING:

22 Which exhibit is this?

23 ATTORNEY TOBIN:

24 Exhibit G.

25 ATTORNEY KEATING:

1                   Okay.

2       BY ATTORNEY TOBIN:

3       Q.   It says the above-named individual who is  
4       conditionally released on parole by the  
5       Pennsylvania Board of Probation and Parole has  
6       been found by the Board to have violated the  
7       conditions of parole.  Therefore, the Board, by  
8       virtue of the authority conferred on it by law,  
9       orders that individual recommitted for further  
10      imprisonment for the remainder of the unexpired  
11      maximum term, or until otherwise released or  
12      discharged according to law.

13           Does the Parole Board have anything to do  
14      with keeping track of the unexpired maximum  
15      term?

16      A.   No.

17                   ATTORNEY ROBINSON:

18                   When you say keeping track, he  
19      testified they establish.

20       BY ATTORNEY TOBIN:

21      Q.   Let me ask a more specific question.  The  
22      Parole Board establishes recalculated maximum  
23      dates.  Is that the same thing as giving the  
24      DOC the number of days left that the inmate has  
25      to serve?

1 ATTORNEY ROBINSON:

2 Do you understand the question?

3 A. Right. I mean ---.

4 ATTORNEY TOBIN:

5 I can ask it a different way.

6 ATTORNEY ROBINSON:

7 The max date is reflected on the  
8 Decision, ---

9 A. Right.

10 ATTORNEY ROBINSON:

11 --- which is expressed in a date.  
12 I mean, it says what it says. It doesn't say 5  
13 days or July 14th, whichever comes first. The  
14 Order is the Order, which is what he testified  
15 about. And it says the date, period.

16 BY ATTORNEY TOBIN:

17 Q. The Parole Board doesn't compare that date  
18 or look at the inmate's incarceration records  
19 to see how many days the inmate has already  
20 served, does it? Do you compare this to any  
21 document that shows credit for time served?

22 ATTORNEY ROBINSON:

23 It's been asked and answered. He  
24 has explained how they calculated the sentence  
25 and that the parole --- how much was left

1 unserved at that point. And then certain  
2 periods after that it went either to the new  
3 sentence or the old sentence. And he has  
4 explained how they calculated it.

5 ATTORNEY KEATING:

6 Many times.

7 ATTORNEY ROBINSON:

8 Phrase it a different way. But I  
9 mean he said what they do and how they did it,  
10 and what they did in this case, so I object.

11 BY ATTORNEY TOBIN:

12 Q. At the bottom of Exhibit G there's a  
13 section labeled time lost due and then to  
14 delinquency and to service of another sentence.  
15 Is the delinquency section --- because in Mr.  
16 Chappelle's case it says zero days ---? Why is  
17 that?

18 A. Because it's really irrelevant when we're  
19 taking the total amount of the unserved  
20 sentence and applying it to the recalculation.  
21 In other words, it's a moot point whether he  
22 went delinquent during ---. If we're going to  
23 do a CPV ---.

24 Q. Because he can't get credit to that time?

25 A. Well, ---.

ATTORNEY KEATING:

Excuse me. Let him answer the question.

A. Yeah. What we're doing with the CPV calculation in Mr. Chappelle's case, as reiterated numerous times, we're taking the max date, which is 1/26/2007, subtracting the date that he was paroled, which was 4/9 or 2001.

The unserved portion of his sentence when we paroled him, he had 5 years, 9 months, 17 days left of that initial 6 to 12 month sentence to serve. Regardless of delinquency time, we're going to take that amount as a direct parole violation, allocate it appropriately. Therefore, we're not going to add additional delinquent time.

As you indicated previously, we can't hold him longer than that 6 to 12. We can't penalize him more than adding that 5 years, 9 months, 17 days. So by adding delinquent time it would skew our entire calculation on a CPV.

BY ATTORNEY TOBIN:

Q. Okay. Thank you. And then the service of another sentence section, what is that category? What does that mean?



1 A. That would be if we're going to stop and  
2 interrupt the service of the back time. If we  
3 have an individual that is held on a domestic  
4 warrant in a county prison and we're  
5 calculating a CP --- TPV and we're going to say  
6 from one period to another period he wasn't  
7 available to us. Our warrant wasn't the sole  
8 purpose for his incarceration at the county  
9 prison, he was being held on a domestics  
10 detainer, domestics warrant. That would be  
11 service of another sentence. There are all  
12 kind of other like applicable case scenarios  
13 that we use to apply service of another  
14 sentence.

15 Q. And in Mr. Chappelle's case, would the  
16 service of the federal sentence time fit into  
17 that category?

18 ATTORNEY ROBINSON:

19 He just testified that that's for  
20 technical violators. Mr. Chappelle is ---

21 ATTORNEY TOBIN:

22 Oh, it's not for convicted.

23 ATTORNEY ROBINSON:

24 --- a convicted violator. And  
25 there's a different provision in the Prisons

1 and Parole Code.

2 ATTORNEY TOBIN:

3 Okay.

4 ATTORNEY ROBINSON:

5 It's technical versus convicted  
6 parole violator.

7 BY ATTORNEY TOBIN:

8 Q. So this isn't applicable to him?

9 A. It's blank, as you can see. The  
10 technician did not allocate any time as service  
11 of another sentence, and the delinquency time  
12 wasn't added.

13 ATTORNEY TOBIN:

14 I'm just going to review my  
15 questions and make sure I don't have any more  
16 questions for you. It'll take me just a few  
17 minutes. Bear with me.

18 A. Take your time.

19 ATTORNEY KEATING:

20 Take a two-minute break?

21 ATTORNEY TOBIN:

22 Yeah, if you all want to take  
23 about a five-minute break and then we'll come  
24 back.

25 SHORT BREAK TAKEN

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ATTORNEY TOBIN:

I'm showing you what we'll mark  
as Exhibit I.

(Janis' Deposition Exhibit I  
marked for identification.)

BY ATTORNEY TOBIN:

Q. Do you recognize that document?

A. Yes.

Q. And what is that?

A. It's the Board's official Recommitment  
Order, the PBPP-39, issued 7/29/2009.

Q. If you could look at Exhibits G and H,  
which I gave to you earlier. What's the  
difference between ---? For Exhibit G at the  
bottom ---?

A. Which one's G?

Q. G is, at the bottom the modified date is  
4/16/09.

A. Okay.

Q. And then H, at the bottom is modified date  
4/17/09.

A. Okay.

Q. Why was Exhibit H issued one day after  
Exhibit G?

A. I don't know. There had to have been some

139

1 type of ---. Totally different. There has to  
2 be. I don't know why there would have been  
3 another one unless there is some type of change  
4 within this. But, yeah, I did notice that.  
5 And short of asking the tech if she has a  
6 memory of why this was done ---. As I'm  
7 speaking, I'm giving a cursory review to see if  
8 anything is different on the one than on the  
9 other.

10 ATTORNEY KEATING:

11 Do they say page one of two at  
12 the bottom?

13 BY ATTORNEY TOBIN:

14 Q. Is there a second page to either of these  
15 that you have in your file?

16 A. I believe there is. Yes, there is. If  
17 you ---

18 Q. If you find those ---.

19 A. --- give me a second, yes.

20 WITNESS REVIEWS FILE

21 A. In my file I only have the one that is  
22 dated the 16th.

23 ATTORNEY KEATING:

24 So to expedite this a little bit,  
25 the question was, do you know why that was

1 done. And I believe your answer is?

2 A. No. And the second page has basically no  
3 information. It says miscellaneous notes.  
4 It's blank. Note conviction, blank, because  
5 none of that information was applicable. And  
6 the Board Secretary's signature.

7 BY ATTORNEY TOBIN:

8 Q. And then that was the second page for the  
9 4/16/09?

10 A. Yes.

11 Q. And then for the 4/17/09, do you have a  
12 second page in your file for that one?

13 A. I don't have that one in my file. And I  
14 paged through everything to see if it's thrown  
15 in there somewhere. But, yeah, I do not have a  
16 copy of that one in here. And basically if  
17 you're looking at it, it has the same  
18 recalculated max on both of them. So, really,  
19 out of a cursory review, I don't see any  
20 difference. I can't answer why the second one  
21 was issued or where it came from because it  
22 isn't in my file.

23 Q. Okay. And then if you'll look at Exhibit  
24 I, which is the one I most recently gave you,  
25 which is at the bottom dated 7/29/09.

1 A. Okay.

2 Q. Can you explain how the ---? If you could  
3 walk me through how the recomputed max date of  
4 7/14/09 was done on Exhibit I.

5 ATTORNEY KEATING:

6 I'm objecting to that. He has  
7 spent hours describing exactly how that was  
8 done time and time again. Asked and answered.  
9 Is there a specific question about the  
10 calculation that we have that you want him to  
11 answer again? What is it about the  
12 recalculation has he not explained during his  
13 deposition so far?

14 BY ATTORNEY TOBIN:

15 Q. On Exhibit I there's a back-time dates  
16 section that lists 9/26/01 to 2/20/02. And the  
17 time period is 147 days. And then 2/20/04 to  
18 4/14/09 time period, 1,880 days. What  
19 triggered that to be included as a back-time  
20 date, the second one, the 1,880 days?

21 A. Do you want me to go through it?

22 ATTORNEY ROBINSON:

23 Do you understand the question?

24 A. Yeah.

25 ATTORNEY ROBINSON:

1                   Okay.

2       A.    On this recalculation dated 7/29/2009 we  
3       credited the inmate/parolee, Kevin Chappelle  
4       Jessup, with back-time credit from 9/26/2001,  
5       the date that he was originally arrested by the  
6       State, up until 2/20 of 2002, when the State  
7       withdraw their charges and the Feds stepped in  
8       and picked up the case. We took the 24-month  
9       sentence as being served from 2/20/2002 to 2/20  
10      of 2004, the last resentencing. That's the  
11      only period of time we didn't give Mr.  
12      Chappelle Jessup credit towards his back time,  
13      that two-year period.

14           From 2/20 of 2004 through the date that we  
15      issued this Recommitment Order ---. We're  
16      saying not the date that --- the date we're  
17      saying it became available to us, 4/14/2009,  
18      because he was released from his federal  
19      sentence on the period we gave him credit  
20      towards his offense. That's what that  
21      information is.

22      BY ATTORNEY TOBIN:

23      Q.    Okay. Thank you. Do you have access  
24      through DOCNET or any other means to an  
25      inmate's moves report that the DOC generates?

1 A. Yes.

2 Q. Is it through DOCNET?

3 A. Correct.

4 Q. Do you know why the decision to credit the  
5 two years --- to not credit the two years of  
6 the federal sentence from 2/20/02 to 2/20/04  
7 was made when the federal Judge says that the  
8 federal sentence needed to be starting on July  
9 17th of '07?

10 ATTORNEY ROBINSON:

11 I'm going to object. He's been  
12 asked several times how he calculated the  
13 sentence. He's explained that. And the  
14 sentence was calculated in the manner that we  
15 believe it to be correct under the Parole Act  
16 and applicable case law. He has testified he  
17 did not calculate the sentence himself.

18 ATTORNEY TOBIN:

19 I just was asking why --- if he  
20 knew why, rather.

21 ATTORNEY KEATING:

22 I'm going to object because  
23 that's not what the federal Judge said. The  
24 Order from the federal Judge was unclear as to  
25 what that date meant, and he testified about



1 that.

2 ATTORNEY TOBIN:

3 Okay. I'll withdraw the  
4 question. That's fine.

5 A. And really, you don't have to.

6 ATTORNEY ROBINSON:

7 There's no question.

8 BY ATTORNEY TOBIN:

9 Q. Is there any limit that's imposed by the  
10 Parole Board on the DOC staff contacting you to  
11 ask you questions --- or ask your staff  
12 questions?

13 A. Not that I'm aware of.

14 ATTORNEY TOBIN:

15 I don't have any further  
16 questions for you.

17 RE-EXAMINATION

18 BY ATTORNEY KEATING:

19 Q. Mr. Janis, I believe that there's an  
20 indication that on July 29, 2009 there was a  
21 modified recomputed max date, and that was at  
22 2:43 p.m. And that max date was July 14, 2009;  
23 correct?

24 A. Correct.

25 Q. Everything you've seen today, would you

145

1 agree with me that that calculation of July 14,  
2 2009 was the correct max date for Mr. Kevin  
3 Jessup/Chappelle?

4 A. Yes, it was.

5 Q. On April 17th, 2009, Mr. Chappelle wrote  
6 to the Superintendent complaining about his max  
7 date. Mr. Chappelle had not maxed out as of  
8 April 17, 2009, had he?

9 A. No.

10 ATTORNEY TOBIN:

11 Object as to form. You're  
12 leading him.

13 ATTORNEY KEATING:

14 Okay.

15 BY ATTORNEY KEATING:

16 Q. Assuming for the sake of discussion that  
17 Mr. Chappelle wrote a letter to a staff member  
18 on April 22nd, 2009 about being held past his  
19 max date. According to the records and the  
20 testimony you gave today, had Mr. Chappelle  
21 maxed out as of April 22nd, 2009?

22 A. Mr. Chappelle's recalculated max date at  
23 that time was 7/14/2009.

24 ATTORNEY KEATING:

25 No further questions.

1                   ATTORNEY TOBIN:

2                   I have no further questions.

3                   \* \* \* \* \*

4                   DEPOSITION CONCLUDED AT 1:03 P.M.

5                   \* \* \* \* \*

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1 COMMONWEALTH OF PENNSYLVANIA )

2 COUNTY OF DAUPHIN )

3 CERTIFICATE

4 I, Kayla Bolze, a Notary Public in and  
5 for the Commonwealth of Pennsylvania, do hereby  
6 certify:

7 That the foregoing proceedings,  
8 deposition of John Janis, was reported by me on  
9 08/08/2012 and that I (John Janis) read this  
10 transcript and that I attest that this  
11 transcript is a true and accurate record of the  
12 proceeding.

13 That the witness was first duly sworn  
14 to testify to the truth, the whole truth, and  
15 nothing but the truth and that the foregoing  
16 deposition was taken at the time and place  
17 stated herein.

18 I further certify that I am not a  
19 relative, employee or attorney of any of the  
20 parties, nor a relative or employee of counsel,  
21 and that I am in no way interested directly or  
22 indirectly in this action.

23  
24 COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

KAYLA BOLZE, Notary Public  
Harrisburg, Dauphin County, PA

My Commission Expires March 19, 2016

25  
  
Court Reporter



# COMMONWEALTH OF PENNSYLVANIA

## DC16E - SENTENCE STATUS SUMMARY DEPARTMENT OF CORRECTIONS

Name: Kevin Jessup

Inmate #: CX8799

Closed Version 6 Dated 7/30/2009 2:36:10 PM

### 1. REFERENCES AND IDENTIFICATION

<b>DOC #</b> CX8799	<b>Commitment Name</b> KEVIN JESSUP	<b>PBPP #</b> 496AS	<b>SID #</b> 21714127	<b>FBI #</b> 511135TA5	<b>Phila Photo #</b> 750487
<b>DOB</b> 04/03/1975	<b>Place of Birth</b> PHILADELPHIA PA USA			<b>Race</b> B	<b>Sex</b> M

### 2. SENTENCE SUMMARY

Sent Date	County/State/Federal	Indictments	Sent Type	Minimum			Maximum		
				Y	M	D	Y	M	D
01/25/1996	Philadelphia	CP0033/9503		5			10		
Plea:	Found Guilty	OTN: M6413794	Judge: DEFINO,ALBERT						
Offense:	CC3701 - ROBBERY (GENERAL)								
01/25/1996	Philadelphia	CP0033/9503	CS	1			2		
Plea:	Found Guilty	OTN: M6413794	Judge: DEFINO,ALBERT						
Offense:	CC6108 - CARRY FIREARM IN PUBLIC-PHILADELPHIA								

<b>Reception Date</b>	04/15/2009		<b>Reentered from DOC #</b>	
<b>Controlling Minimum Date</b>	01/26/2001		<b>New Maximum - PV</b>	07/14/2009
<b>Controlling Maximum Date</b>	01/26/2007		<b>True Minimum Expiry Date</b>	
<b>RRRI Minimum Expiry Date</b>				

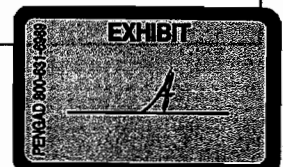
### Summary or Remarks on Sentence

<b>Remarks</b>	Version 6 created to show modified TCV calculation per PBPP39. VERSION 5 CREATED TO SHOW TCV STATUS ACCORDING TO PBPP VERSION 4 CREATED TO SHOW PVP STATUS Version 3 created due to board action dated 6/25/2007 to remove TCV status and reflect inmate is now serving as a PVP. Inmate will return to the custody of the U.S. Marshals prior to serving PBPP backtime. Version 2 created due to inmate being recommitted as a Technical Convicted Parole Violator (TCV). Sentence recomputed in accordance with PBPP Form 39 dated 12/02/2003.
----------------	--

### 3. SENTENCE STRUCTURE

<b>Commitment Credit</b>
Computation 5 CP0033/9503 : 01/26/1995 to 01/25/1996

<b>Remarks</b>	
----------------	--



Name: Kevin Jessup

Inmate #: CX8799

Closed Version No:6 Dated 7/30/2009 2:36:10 PM

**Bail/Escapes/Interruption Time Data**

None

Item	Computation 5			
<b>Indictments Included</b>	CP0033/9503 CP0033/9503			
<b>Eff Date</b>	01/26/1995			
<b>Expiration of Minimum</b>	01/26/2001			
<b>Expiration of Maximum</b>	01/26/2007			
<b>Custody for Return - PV</b>	04/14/2009			
<b>Delinquent Time</b>				
<b>Backtime Credit</b>	2027D			
<b>Backtime Owed</b>	91D			
<b>New Maximum - PV</b>	07/14/2009			
<b>Sentence Computation Date</b>	07/30/2009			
<b>Basis for Computation</b>	TCV			
<b>Total Sentence</b>	6Y - 12Y			
<b>Status</b>	Active			

Name: Kevin Jessup

Inmate #: CX8799

Closed Version No:6 Dated 7/30/2009 2:36:10 PM

**4. NON-INCARCERATED OFFENSES**

Sent Date	County/State/Federal	Indictments
01/25/1996	Philadelphia	CP0033/9503
<b>Description:</b>	VUFA(6106),PIC,T/T,REAP,C/CONSP.-GUILTY W/O FURTHER PENALTY POW-NOT GUILTY THEFT,RSP,S/A-MERGES	
<b>Comments</b>		

**5. DETAINERS**

Active Detainers					
Detainer#	Date	Agency	Agency Identification	OTN	Type
<b>Charges</b>	None				

Deleted Detainers (For those deleted since last DC16)					
Detainer#	Date Deleted	Agency	Agency Identification	OTN	Type
None					
<b>Remarks</b>	None				

**6. PRIOR DOC NUMBERS**

None									
------	--	--	--	--	--	--	--	--	--

**7. ACTIONS: BOARD OF PARDONS**

Decision Date	File Number	Action	Comments
None			

Last Modified By: Kodack, Michelle L

Signed Off By: Kodack, Michelle L

Institution: Coal Township

2007-04-23 09:51

P 2

PBPP-10 Rev(05/1999)

## ORDER TO RELEASE ON PAROLE/REPAROLE

The Pennsylvania Board of Probation and Parole hereby grants parole/reparole to the prisoner named and on the sentences described below. It further ordered that he/she be released on the date indicated below. Subject to Board approval of a satisfactory plan and to the Conditions Covering Parole/Reparole (PBPP-11) and upon condition that he/she commits no misconducts or crimes, and that no evidence of past crimes or mental illness, previously undiscovered, comes to light.

Name of Prisoner ParNo. Inst.No. Authorized Date of Release

KEVIN JESSUP 496AS CX8799 \*

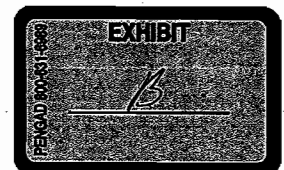
Place of Confinement Date of Return  
(Reparole Cases Only)

STATE CORRECTIONAL INSTITUTION COAL TOWNSHIP

County	Date of Sentence(s)	Tp Term(s)/Indictment Number(s)	OTN(s)	Offense(s)/Charge(s)
A PHILAD	01/25/1996	CC CP 950300033	M6413794	ROBBERY
A PHILAD	01/25/1996	CS CP 950300033	M6413794	VUFA

Judge(s)	Term(s) of Sentence(s)	Expiration Dates Minimum Maximum
A ALBERT DEFINO	06YR 12YR	01/26/2001 01/26/2007

\* PAROLED ON OR AFTER 01-26-2001 TO A COMMUNITY CORRECTIONS CENTER ONLY FOR A MINIMUM OF 3 MONTHS. YOU SHALL ENTER INTO AND ACTIVELY PARTICIPATE IN THE COMMUNITY CORRECTIONS PROGRAM UNTIL SUCCESSFULLY DISCHARGED BY THE PAROLE SUPERVISION STAFF. YOU SHALL ABIDE BY ALL THE ESTABLISHED RULES AND REGULATIONS OF THE COMMUNITY CORRECTIONS PROGRAM. ANY VIOLATION OF THE PROGRAM RULES OR REGULATIONS MAY CONSTITUTE A VIOLATION OF PAROLE AND RESULT IN YOUR ARREST. YOU MUST HAVE AN APPROVED PLAN PRIOR TO RELEASE FROM THE CENTER.  
BEFORE YOU CAN BE RELEASED, YOU SHALL PROVIDE PROOF OF PAYMENT OF AT LEAST \$30.00 OF MANDATORY COURT COSTS, IN ACCORDANCE WITH 18.P.S. {11.1101}.



Signed this 29th day of November, 2000 at Harrisburg, PA

PENNSYLVANIA BOARD OF PROBATION AND PAROLE

*Nathaniel J. Jurek*  
BOARD SECRETARY  
SEAL

SID 21714127

Actual Date of Release 4/9/01



2007-04-23 09:52

P 3

Pennsylvania Board of Probation and Parole  
PBPP-11 (Rev. 7/91)

**CONDITIONS GOVERNING PAROLE/REPAROLE**

To: JISSUP, Kevin

Parole No. 496-AS

1. Report in person or in writing within 48 hours to the district office or sub-office listed below, and do not leave that district without prior written permission of the parole supervision staff.

PHILADELPHIA NORTHEAST DIVISION  
COMMUNITY CORRECTIONS CENTER UNIT #2  
990 SPRING GARDEN STREET  
PHILADELPHIA, PA 19123  
PHONE: 215-560-6750

2. Your approved residence is listed below and may not be changed without the written permission of the parole supervision staff.

VOLUNTEERS OF AMERICA  
2601 NORTH BROAD STREET  
PHILADELPHIA, PA 19132  
PHONE: 215-226-6400

3. Maintain regular contact with the parole supervision staff by:
- reporting regularly as instructed and following any written instructions of the Board or the parole supervision staff.
  - notifying the parole supervision staff within 72 hours of: (1) your arrest; or (2) your receipt of a summons or citation for an offense punishable by imprisonment upon conviction; and
  - notify the parole supervision staff within 72 hours of any change in status, including, but not limited to, employment, on-the-job training, and education.
4. Comply with all municipal, county, state and Federal criminal laws, as well as the provisions of the Vehicle Code (75 Pa. C.S. § 101 et seq.), and the Liquor Code (47 P.S. § 1-101 et seq.)
5. You shall:
- abstain from the unlawful possession or sale of narcotics and dangerous drugs and abstain from the use of controlled substances within the meaning of the Controlled Substance, Drug, Device, and Cosmetic Act (35 P.S. § 780-101 et seq.) without a valid prescription;
  - refrain from owning or possessing any firearms or other weapons; and
  - refrain from any assaultive behavior.
6. You shall pay fines, costs, and restitution imposed on you by the sentencing court. You shall establish with appropriate county authorities within thirty (30) days of your release from prison a payment schedule for the fines, costs and restitution owed for those cases for which you are now on state parole. Thereafter, you shall:
- pay these obligations according to the established payment schedule or as ordered by the court;
  - provide proof of such payment to parole supervision staff; and
  - keep the parole supervision staff and the court informed of any changes in your financial ability to pay fines, costs and restitution.
7. You shall comply with the special conditions listed on page 2 imposed by the Board and with special conditions imposed by the parole supervision staff.

Additionally, should problems arise, or questions occur concerning the conditions of your parole/reparole, consult with the parole supervision staff, and they will help you in the interpretation of the Conditions of Parole/Reparole.

If you are arrested on new criminal charges, the Board has the authority to lodge a detainer against you which will prevent your release from custody, pending disposition of those charges, even though you may have posted bail or been released on your own recognizance from those charges.

If you violate a condition of your parole/reparole and, after the appropriate hearing(s), the Board decides that you are in violation of a condition of your parole/reparole you may be recommitted to prison for such time as may be specified by the Board.

If you are convicted of a crime committed while on parole/reparole, the Board has the authority, after an appropriate hearing, to recommit you to serve the balance of the sentence or sentences which you were serving when paroled/reparoled, with no credit for time at liberty on parole.

If you think that any of your rights have been violated as a result of your parole supervision, you may submit a timely complaint in writing, first to the district director of the district office through which you are being supervised. If your complaint is not resolved to your satisfaction, you may then submit your complaint in writing to the Pennsylvania Board of Probation and Parole, Director of Supervision, P. O. Box 1681, Harrisburg, Pennsylvania 17105-1681

In consideration of being granted the privilege of parole/reparole by the Pennsylvania Board of Probation and Parole, I hereby agree that:

If I am ever charged with a parole violation arising out of my conduct while in a jurisdiction other than the Commonwealth of Pennsylvania, the revocation of my parole for that violation may be based solely on documentary evidence and I hereby waive any right to confront or cross-examine any person who prepared any such documentary evidence or who supplied information used in its preparation;

I expressly waive extradition to the Commonwealth of Pennsylvania from any jurisdiction in or outside of the United States, where I may be found, and I shall not contest any effort by any jurisdiction to return me to the United States or to the Commonwealth of Pennsylvania; and

I expressly consent to the search of my person, property and residence, without a warrant by agents of the Pennsylvania Board of Probation and Parole. Any items, in the possession of which constitutes a violation of parole/reparole shall be subject to seizure, and may be used as evidence in the parole revocation process.

2007-04-23 09:52

P 4

J36-A

COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE

Special Conditions - Institutional

Parole No. 496-AS

TO: JESSUP, Kevin

In addition to the conditions of parole already imposed, you are subject to the following Special Conditions:

You are to report directly to the center from the institution: **Volunteers of America, 2601 North Broad Street, Philadelphia, PA 19132; Phone: (215) 226-6400.**

During this parole placement the resident will be subject to the following conditions:

1. **Must abide by all Department of Corrections rules and regulations, as well as conditions of parole and special conditions imposed by the Pennsylvania Board of Probation and Parole.**

If you believe the above Special Conditions are inappropriate, you may object in writing to the Institutional Parole Supervisor/District Office Supervisor, who imposed the Special Conditions, within 10 days of imposition.

The Institutional Parole Supervisor/District Office Supervisor or designee will forward all complaints to the Board Secretary for submission to the Board.

If you violate any of the above Special Conditions, you will be subject to arrest and revocation of parole as if you had violated any of the regular conditions.

ACKNOWLEDGEMENT

I hereby acknowledge that I have read or have had read to me, the foregoing Special Conditions; I fully understand them and I fully understand the penalties involved should I in any manner violate them.

Witness \_\_\_\_\_

Witness \_\_\_\_\_

X Kevin Jessup  
Parolee

04/09/01

Date

Cheri M. [Signature] PA II  
Parole Agent

(Note: If signed by mark, there must be two witnesses to the execution of this instrument.)

2007-04-23 09:52

P 5/17

PBPP-11 (rev 03/88)

To: KEVIN JESSUP

Parole No. 496AS

InstNo: CX8799

7. SPECIAL CONDITIONS:

YOU MUST SUBMIT TO URINALYSIS TESTING, MANDATORY.  
YOU SHALL NOT CONSUME OR POSSESS ALCOHOL UNDER ANY CONDITION OR FOR ANY REASON.  
YOU SHALL NOT ENTER ESTABLISHMENTS THAT SELL OR DISPENSE ALCOHOL (EXCEPT AS APPROVED BY THE SUPERVISION STAFF).  
YOU SHALL SUPPORT YOUR DEPENDENTS, IF ANY.  
YOU SHALL NOT CONTACT OR ASSOCIATE WITH THE CO-DEFENDANT(S) FOR ANY REASON--MANDATORY.  
YOU SHALL MAINTAIN EMPLOYMENT/VOCATIONAL TRAINING/EDUCATIONAL TRAINING AS APPROVED BY PAROLE SUPERVISION STAFF.  
YOU SHALL ENGAGE IN AN ACTIVE JOB SEARCH DURING ANY PERIOD OF UNEMPLOYMENT AND PROVIDE VERIFICATION AS DIRECTED BY THE PAROLE SUPERVISION STAFF.  
YOU SHALL CONSULT WITH THE COUNTY COLLECTION AGENT WITHIN 72 HOURS OF RELEASE AND PROVIDE PROOF OF A PLAN FOR PAYMENT OF RESTITUTION AND/OR ANY COURT-ORDERED FINANCIAL OBLIGATIONS. YOU SHALL MAKE CONTINUING PAYMENTS ON RESTITUTION AND/OR ANY OTHER COURT-ORDERED FINANCIAL OBLIGATIONS.  
YOU SHALL NOT HAVE CONTACT WITH VICTIM(S), OR VICTIM'S FAMILIES, INCLUDING CORRESPONDENCE, TELEPHONE CONTACT, OR COMMUNICATION THROUGH THIRD PARTIES--MANDATORY.  
YOU SHALL BE PLACED ON CURFEW RESTRICTIONS FOR 90 DAYS AFTER CCC AND DURING PERIODS OF UNEMPLOYMENT.  
REMOVAL OR TERMINATION FROM THE COMMUNITY CORRECTION CENTER FOR ANY REASON OTHER THAN SUCCESSFUL COMPLETION IS A VIOLATION OF YOUR PAROLE.  
YOU SHALL PARTICIPATE IN ENHANCED SUPERVISION FOR A MINIMUM OF 6 MONTHS AFTER CCC--MANDATORY.  
POSSESSION OF FIREARMS, AMMUNITION OR WEAPONS OF ANY KIND IS A DIRECT VIOLATION OF PAROLE AND WILL RESULT IN IMMEDIATE ARREST--MANDATORY.  
YOU SHALL PAY A MONTHLY SUPERVISION FEE OF \$25.00 TO THE PAROLE BOARD WHEN UNDER SUPERVISION WITHIN THE COMMONWEALTH OF PENNSYLVANIA (ACT 35 OF 1991).  
WHEN RELEASED TO THE COMMUNITY YOU MUST REPORT IN PERSON TO THE DISTRICT OFFICE OR SUB OFFICE WITHIN 24 HOURS (MONDAY THROUGH FRIDAY) BETWEEN THE HOURS OF 8:30 A.M. - 5:00 P.M.

X Kevin Jessup  
Signature of Parolee

4/9/01  
Date

Kevin Jessup  
Witness

\_\_\_\_\_  
Witness

Note: If signed by mark, there must be two witnesses to execution of the instrument.

PBPP-142

Central Office Control No.: CO- 1085 -2001  
District Office: Philadelphia  
Parole Agent: Joseph Ryan  
Office Telephone No.: 215-560-6750

Offender's SSN: 185-56-6610  
Offender's DOB: 4-3-1975  
Offender's SID: 21714127  
Bill & Term: CC CP 950300033  
Sentencing Judge: Albert Defino  
Original Charge: Robbery  
Max. Date: 1-26-2007



COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE

## ORDER TO DETAIN FOR FORTY-EIGHT HOURS

Under the Act of April 23, 1909, P.L. 141

Date: 9-26-2001

To the Superintendent, Keeper or Warden of any Borough or Township or any City or County Prison in the Commonwealth of Pennsylvania:

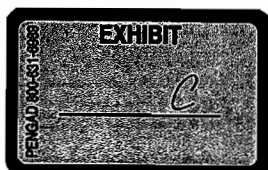
By virtue of the authority delegated to me by the Pennsylvania Board of Probation and Parole, it is requested that you detain for 48 hours for violation of parole the person of, Kevin Jessup AKA Damon Donyel Chappelle  
Parole No. 496AS, until the prisoner can be disposed of by law.

PENNSYLVANIA BOARD OF PROBATION AND PAROLE  
BY:

A handwritten signature in black ink, likely belonging to Robert W. Reiber.

Robert W. Reiber, Director, Bureau of Central Services

Phila. Photo No.: 750487  
Location of Body: 1<sup>st</sup> District 24<sup>th</sup> & Wolfe  
Central Booking No.: \_\_\_\_\_  
Telephone No.: 215-686-3013  
FAX No.: 215-334-6661  
Institution No.: CX8799  
SCI Released From: Coal Township



496-AS

NAME: Kevin Jessup  
A.K.A.  
Damon Chappelle

INSTITUTION: S.C.I. Coal Township  
Parole No.: 496AS  
Institution No.: CX8799

REC'D PBPP  
07 JUL 31 PM 12:02  
OFFICE OF CHIEF COUNSEL

ATTN: Cynthia L. Daub;

I am writing you in regards to the parole decision rendered in my case recorded on June 25th, 2007. I wish to appeal this decision for the administrative relief. The Board referred to the decision of 3/14/2002 and said to recommit to a state correctional institution as a technical parole violator when available to serve (36) months for a total of (36) months backtime.

If you can refer to the board decision as recorded on December 2nd, 2003, the Board rendered the same action of 5/6/200 to recommit to the state correctional institution as a technical and convicted parole violator to serve a total of (18) months backtime.

As you can see, this action took place twice for the same offense. I already served this sentence and I've been in the state custody since 10/22/2001.

However, I am no longer in state custody and have yet to be classified to a federal institution. Therefore, I am currently in transit as of now. I am being housed in LACKAWANNA COUNTY PRISON. Also, I wish to have private legal representation on this matter. The attorney I'm obtaining is:

BURTON A. ROSE  
1731 Spring Garden Street  
Philadelphia, PA 19130-3893  
(215) 564-5550  
(215) 567-6809 FAX

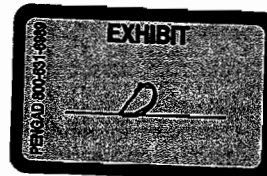
Cordially,

  
Damon Chappelle

AKA

KEVIN JESSUP CX 8799

mms  
8/24/07





**COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE**

Office of the Board Secretary  
1101 South Front Street, Suite 5300  
Harrisburg, PA 17104-2517

DAMON CHAPPELLE, #56079-066  
USP CANAAN  
U.S. PENITENTIARY  
P.O. BOX 300  
WAYMART, PA 18472

RE: PA DOC Inmate No. CX-8799 / Parole No. 496-AS

Dear Mr. Chappelle (a/k/a Kevin Jessup):

This is a response to your **administrative appeal** received July 31, 2007 (postmarked 07/27/2007), which objects to the Board decision mailed June 29, 2007. Specifically, you allege that the Board has recommitted for the same offense twice.

The record reflects that you were originally recommitted as a convicted parole violator by decision mailed May 12, 2003. That decision was subsequently rescinded on March 2, 2007 based on the court's November 21, 2006 decision to vacate your original conviction and sentence. Thus, the Board was authorized to now recommit you again as a convicted parole violator based on your subsequent conviction for the offenses indicated.

Accordingly, the Board decision mailed June 29, 2007 is **AFFIRMED**.

By the Board,

A handwritten signature in black ink, appearing to read "Cynthia L. Daub".

Cynthia L. Daub  
Board Secretary

DATE MAILED: **OCT 02 2007**

**BURTON A. ROSE**  
ATTORNEY AT LAW

1731 SPRING GARDEN STREET  
PHILADELPHIA, PA 19130-3893  
(215) 564-5550 FAX (215) 567-6809  
EMAIL: barose@baroselaw.com

December 3, 2008

Catherine C. McVey, Chairman  
Pennsylvania Board of Probation and Parole  
1101 S. Front Street, Suite 5100  
Harrisburg, PA 17104-2517

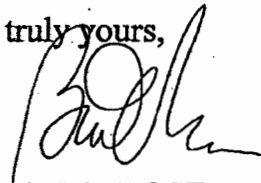
RE: Damon Chappelle, a.k.a. Kevin Jessup  
Parole No. 496-AS-DOC- CX-8799

Dear Ms. McVey:

Enclosed herewith please find a true and correct copy of an Order dated November 24, 2008 from United States District Judge Timothy J. Savage in Criminal Action No. 02-32-01 which has modified the sentence of the District Court of July 18, 2007 to make the above named defendant's term of imprisonment 24 months effective as of July 18, 2007.

Kindly advise if anything further is required. Thank you for your attention to these matters.

Very truly yours,



BURTON A. ROSE  
Attorney for Damon Chappelle

BAR/cab  
Enclosure

cc: Honorable Timothy J. Savage  
Michael L. Green, Board Member  
Mark S. Miller, Esquire, AUSA  
Damon Chappelle

CHAIRMAN'S OFFICE

08 DEC 29 AM 7:52

PA. BOARD OF PROBATION  
& PAROLE

REC'D PDPP

09 JAN -8 AM 8:35

OFFICE OF CHIEF COUNSEL

DAMON CHIAPPELLE  
(AKA)

KEVIN JESSUP CX 8799

PAROLE No. # 496-AS

MR. GREEN:

ON Nov. 24, 2008 IN THE U.S. DISTRICT COURT, I HAD MY FEDERAL SENTENCE MODIFIED, REDUCED AND RESTRUCTURED. I WAS RESENTENCED ON THE SAME JUNE 4, 2002 FEDERAL CONVICTION, HOWEVER I WAS RESENTENCED TO ONLY RECEIVE CREDIT ON THE FEDERAL CONVICTION THE DAY I CAME INTO FEDERAL CUSTODY JULY 18, 2007. I HAVE BEEN IN D.O.C. STATE CUSTODY FROM SEPT 26, 2001 THRU JULY 18, 2007 AT TOTAL OF 5 YEARS 10 MONTHS I'VE SERVED ON PAROLE VIOLATIONS. I WAS INITIALLY ARRESTED FOR THE ABOVE NUMBERED OFFENSE ON JAN. 26, 1995 AND WAS PAROLED ON APR. 9, 2001 A TOTAL OF 6 YEARS 2 MONTHS. THEREFORE I SHOULD HAVE EXPIRED THE MAXIMUM SENTENCE OF 12 YEARS AND THERE SHOULD NOT BE A STATE DETAINER LODGED. ENCLOSED ARE COURT DOCUMENTS VERIFYING THE CONSECUTIVE SENTENCE, ALSO ENCLOSED IS A LETTER FROM MY FEDERAL DISTRICT ATTORNEY EXPLAINING MY SITUATION.

K. JESSUP  
(AKA)

D. CHIAPPELLE 56079-066

THANK YOU FOR YOUR

CONSIDERATION IN THIS

MATTER.

C.I. Ray Brook

P.O. Box 9008

Ray Brook, New York

DAMON CHIAPPELLE  
(AKA)

KEVIN JESSUP CX 8799



*KS*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

DAMON CHAPPELLE  
a/k/a Kevin Jessup

CRIMINAL NO. 02-32-01 *Free*

CIVIL ACTION NO. 04-3906

**FILED**

NOV 25 2008

MICHAEL L. ROY, Clerk  
By \_\_\_\_\_ Dep. Cler

**ORDER**

AND NOW, this 24th day of November, 2008, upon consideration of the Motion Requesting the Modification of Term of Imprisonment Pursuant to 18 U.S.C. 3582(c)(2) and §3553(a) (Document No. 82) and the Motion for Clarification of Sentence (Document No. 77), the government's responses and after a hearing, it is **ORDERED** that the motions are **GRANTED**.

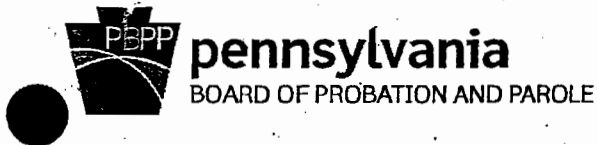
IT IS FURTHER ORDERED that the defendant's term of imprisonment is reduced to 24 months, effective as of July 18, 2007, and all other terms and conditions of the Judgment and Commitment Order shall remain the same.

*Timothy U. Savage*  
TIMOTHY U. SAVAGE, J.

*XC: MAILED*

*D. CHAPPELLE*

*cc: Mark Miller, AUSA  
Burtin Roe, Esq.  
(2) US Marshal  
Probation*



February 23, 2009

DAMON CHAPPELLE, 56079-066  
A.K.A. KEVIN JESSUP  
FCI RAY BROOK  
P.O. BOX 9008  
RAY BROOK, NEW YORK 12977

RE: Pa. DOC No. CX-8799/Parole No. 496-AS

Dear Mr. Chappelle:

This response acknowledges that the Pennsylvania Board of Probation and Parole received correspondence from you on December 29, 2008. You object to the Board decision recorded June 25, 2007 (mailed 06/29/07) concerning your recommitment to a state correctional institution to serve your back time; and the detainer the Board has lodged against you related to the aforementioned recommitment..

Board regulations state that second or subsequent requests for administrative relief will not be received, and they will not be accepted for purposes of administrative review. See 37 Pa. Code § 73.1. The Board previously received a petition for review/administrative appeal from you on July 31, 2007 (postmarked 07/27/07) that was responded to by the Board on October 2, 2007. This correspondence constitutes a second and subsequent appeal of the June 25, 2007 (mailed 06/29/07) decision, and is not accepted.

Finally, please be advised that the Board has received a copy of the United States District Court for the Eastern District of Pennsylvania order dated November 25, 2008 concerning the effective date of your imprisonment on the federal charges at criminal action number 02-31-01. The Board will take no further action on your correspondence.

Respectfully,

A handwritten signature in black ink, appearing to read "John J. Talaber", is written over a horizontal line.

John J. Talaber  
Assistant Counsel

BURTON A. ROSE  
ATTORNEY AT LAW

REC'D:

April 22, 2009

09 APR 29 PM 4:12

1731 SPRING GARDEN STREET  
PHILADELPHIA, PA 19130-3893  
(215) 564-5550 FAX (215) 567-6809  
EMAIL: barose@baroselaw.com

OFFICE OF CHIEF COUNSEL

Superintendent David Varano  
SCI Coal Township  
1 Kelley Drive  
Coal Township, PA 17866-1020

RE: Damon Chappelle  
CX-8799

496-AS  
CHAIRMAN'S OFFICE  
09 APR 28 AM 10:24  
PA. BOARD OF PROBATION  
& PAROLE

Dear Superintendent Varano:

Please be advised that I am the attorney for the above named inmate.

Enclosed herewith you will find a true and correct copy of an Order of the United States District Court for the Eastern District of Pennsylvania, Judge Timothy J. Savage, dated November 24, 2008, which has modified the sentence of this inmate of July 18, 2007 for Criminal Action No. 02-32-01. The modification makes Mr. Chappelle's term of imprisonment 24 months effective July 18, 2007.

Mr. Chappelle informs me that he had been advised that his state parole eligibility date is now June 12, 2012. I respectfully believe that this date will be a legal error since, as a result of the revised federal sentence, Mr. Chappelle would appear to have already served his maximum state sentence as of January 26, 2007.

Therefore I would greatly appreciate it if the records of Mr. Chappelle's previous state confinement could be reviewed with a determination that he is eligible for release from custody at this time.

Thank you for your attention to this matter.

Very truly yours,

  
BURTON A. ROSE

BAR/cab  
Enclosure

cc: Catherine C. McVey, Chair, PA Board of Probation and Parole (w/encl)  
Damon Chappelle (w/encl)

mms  
5-8-09

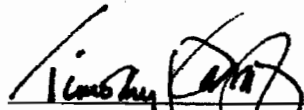
IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 02-32-01
	:	
v.	:	CIVIL ACTION NO. 04-3906
	:	
DAMON CHAPPELLE	:	
a/k/a Kevin Jessup	:	

ORDER

AND NOW, this 24th day of November, 2008, upon consideration of the Motion Requesting the Modification of Term of Imprisonment Pursuant to 18 U.S.C. 3582(c)(2) and §3553(a) (Document No. 82) and the Motion for Clarification of Sentence (Document No. 77), the government's responses and after a hearing, it is **ORDERED** that the motions are **GRANTED**.

IT IS FURTHER ORDERED that the defendant's term of imprisonment is reduced to 24 months, effective as of July 18, 2007, and all other terms and conditions of the Judgment and Commitment Order shall remain the same.

  
TIMOTHY J. SAVAGE, J.

A TRUE COPY CERTIFIED TO FROM THE RECORD  
DATED : November 25, 2008  
ATTEST : Harry O. Grace  
DEPUTY CLERK, UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA



**COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE**

1101 S. Front Street  
Harrisburg, Pa. 17104 - 2519

**NOTICE OF BOARD DECISION**

NAME: KEVIN JESSUP  
INSTITUTION: SCI - COAL TOWNSHIP

PAROLE NO: 496AS  
INSTITUTION NO: CX8799

AS RECORDED ON JULY 29, 2009 THE BOARD OF PROBATION AND PAROLE RENDERED THE FOLLOWING DECISION IN YOUR CASE:

MODIFY BOARD ACTION OF 4/16/2009 BY DELETING THE REVIEW PORTION AND BY CHANGING THE PAROLE VIOLATION MAX DATE TO READ:

-- PAROLE VIOLATION MAX DATE: 7/14/2009.

REMAINDER OF THE BOARD ACTION REMAINS THE SAME.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST FILE A REQUEST FOR ADMINISTRATIVE RELIEF WITH THE BOARD WITHIN THIRTY DAYS OF THIS ORDER. THIS REQUEST SHALL SET FORTH SPECIFICALLY THE FACTUAL AND LEGAL BASIS FOR THE ALLEGATIONS. SEE 37 PA CODE SEC. 73. YOU HAVE THE RIGHT TO AN ATTORNEY IN THIS APPEAL AND IN ANY SUBSEQUENT APPEAL TO THE COMMONWEALTH COURT. DATE MAILED:

YKB 07/29/2009

PAROLE VIOLATION MAX DATE: 07/14/2009

FILE COPY

A handwritten signature in cursive script, reading "Cynthia L. Daub".

Cynthia L. Daub  
Board Secretary

Notice of Board Decision  
PBPP 15(08/02) 1 of 1

PBPP-39  
Revised (02-04)

MODIFIED

## ORDER TO RECOMMIT

## COMMONWEALTH OF PENNSYLVANIA BOARD OF PROBATION AND PAROLE

Name: KEVIN JESSUP

Inst. No: CX8799

Parole No: 496AS

District: CO - Central Office

SID: 21714127

Date Paroled: 04/09/2001

Inst Parole From: SCICT - SCI - Coal Township

Recommit To: SCICT - SCI - Coal Township

Status: ☒ TPV ☒ CPV

The above-named individual who was conditionally released on parole by the Pennsylvania Board of Probation and Parole has been found by the Board to have violated the conditions of parole. Therefore, the Board, by virtue of the authority conferred on it by law, orders said individual recommitted for further imprisonment for the remainder of the unexpired maximum term, or until otherwise released or discharged according to law.

## County, Bill &amp; Term and OTN

County Name	OTN	Indictment Number	Minimum Date
PHILAD	M6413794	CP 950300033	01/26/2001
PHILAD	M6413794	CP 950300033	01/26/2001

## Parole Violation Date Calculation

Original Maximum Date: 01/26/2007

- Parole/Reparole/Delinquency/Board Warrant Date: 04/09/2001

+ Prior Parole Liberty Forfeited: 0D

- Confinement Time: 0D

- Backtime Credit: 2027D

= Backtime Owed: 91D

+ Custody for Return: 04/14/2009

= Recomputed Maximum Date: 07/14/2009

+ Escape Time: 0D

= New Maximum Date: 07/14/2009

Backtime Dates:

From	To	Time Period
09/26/2001	02/20/2002	147D
02/20/2004	04/14/2009	1880D

## Time Lost Due to:

Delinquency: 0D

Service of Another Sentence: 0D

## Conviction(s) Resulting in Recommitment

#	Sentence Date	Sentence County	Indictment	Period	Type	Place of Confinement
2	11/24/2008	FEDERA - FEDERAL COUNTY	02CR00032-01	24 MONTHS		FED - FEDERAL
Parole/Release/Max Date: 04/14/2009      Confined: Y Comments: ORIGINALLY SENTENCED ON 9/23/2002 TO 162 MONTHS. CONVICTION & SENTENCE VACATED ON 11/21/2006 AND RESENTENCED ON 11/21/2006 TO 95 MONTHS. RE-SENTENCED AGAIN ON 11/24/2008 TO 24 MONTHS						

Miscellaneous Notes

Note Conviction

GIVEN under the hand of the Pennsylvania Board of Probation and Parole this 07/29/2009

By The Board

*Cynthia R. Dault*  
Board Secretary

NOTICE OF BOARD DECISION  
PBPP-15(6/96)

COMMONWEALTH OF PENNSYLVANIA  
PENNA. BOARD OF PROBATION AND PAROLE

DATE: 11/29/2000

CLIENT NAME: KEVIN JESSUP  
INSTITUTION: SCI - COAL TOWNSHIP

PAROLE NO: 496AS  
INSTITUTION NO: CX8799

AS RECORDED ON 11/29/2000 THE BOARD OF PROBATION AND PAROLE RENDERED THE  
FOLLOWING DECISION IN YOUR CASE:

FOLLOWING AN INTERVIEW AND REVIEW OF YOUR FILE, THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE HAS DETERMINED THAT THE FAIR ADMINISTRATION OF JUSTICE MAY BE ACHIEVED THROUGH YOUR RELEASE ON PAROLE, AND SUBJECT TO YOUR COMPLIANCE WITH ALL OF THE TERMS AND CONDITIONS OF PAROLE SUPERVISION. YOU ARE THEREFORE:

PAROLED ON OR AFTER 01-26-2001 TO A COMMUNITY CORRECTIONS CENTER ONLY FOR A MINIMUM OF 3 MONTHS. YOU SHALL ENTER INTO AND ACTIVELY PARTICIPATE IN THE COMMUNITY CORRECTIONS PROGRAM UNTIL SUCCESSFULLY DISCHARGED BY THE PAROLE SUPERVISION STAFF. YOU SHALL ABIDE BY ALL THE ESTABLISHED RULES AND REGULATIONS OF THE COMMUNITY CORRECTIONS PROGRAM. ANY VIOLATION OF THE PROGRAM RULES OR REGULATIONS MAY CONSTITUTE A VIOLATION OF PAROLE AND RESULT IN YOUR ARREST. YOU MUST HAVE AN APPROVED PLAN PRIOR TO RELEASE FROM THE CENTER. BEFORE YOU CAN BE RELEASED, YOU SHALL PROVIDE PROOF OF PAYMENT OF AT LEAST \$30.00 OF MANDATORY COURT COSTS IN ACCORDANCE WITH 18 P.S. § 11.1101.

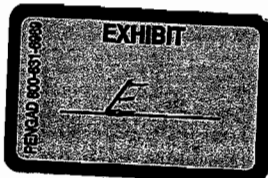
YOU MUST SUBMIT TO URINALYSIS TESTING. MANDATORY. YOU SHALL NOT CONSUME OR POSSESS ALCOHOL UNDER ANY CONDITION OR FOR ANY REASON. YOU SHALL NOT ENTER ESTABLISHMENTS THAT SELL OR DISPENSE ALCOHOL (EXCEPT AS APPROVED BY THE SUPERVISION STAFF).

(CONTINUE ON PAGE 2)

CC: DISTRICT ATTORNEY

*Region I*

INSTITUTION



*Kathleen Zwierzyzna*

KATHLEEN ZWIERZYNA  
BOARD SECRETARY



NOTICE OF BOARD DECISION  
PBPP-15(6/96)

COMMONWEALTH OF PENNSYLVANIA  
PENNA. BOARD OF PROBATION AND PAROLE

DATE: 11/29/2000

CLIENT NAME: KEVIN JESSUP  
INSTITUTION: SCI - COAL TOWNSHIP

PAROLE NO: 496AS  
INSTITUTION NO: CX8799

AS RECORDED ON 11/29/2000 THE BOARD OF PROBATION AND PAROLE RENDERED THE  
FOLLOWING DECISION IN YOUR CASE:

(CONTINUED FROM PAGE 1)

YOU SHALL SUPPORT YOUR DEPENDENTS, IF ANY.

YOU SHALL NOT CONTACT OR ASSOCIATE WITH THE CO-DEFENDANT(S) FOR ANY  
REASON--MANDATORY.

YOU SHALL MAINTAIN EMPLOYMENT/VOCATIONAL TRAINING/EDUCATIONAL TRAINING AS  
APPROVED BY PAROLE SUPERVISION STAFF.

YOU SHALL ENGAGE IN AN ACTIVE JOB SEARCH DURING ANY PERIOD OF UNEMPLOYMENT AND  
PROVIDE VERIFICATION AS DIRECTED BY THE PAROLE SUPERVISION STAFF.

YOU SHALL CONSULT WITH THE COUNTY COLLECTION AGENT WITHIN 72 HOURS OF RELEASE  
AND PROVIDE PROOF OF A PLAN FOR PAYMENT OF RESTITUTION AND/OR ANY  
COURT-ORDERED FINANCIAL OBLIGATIONS. YOU SHALL MAKE CONTINUING PAYMENTS ON

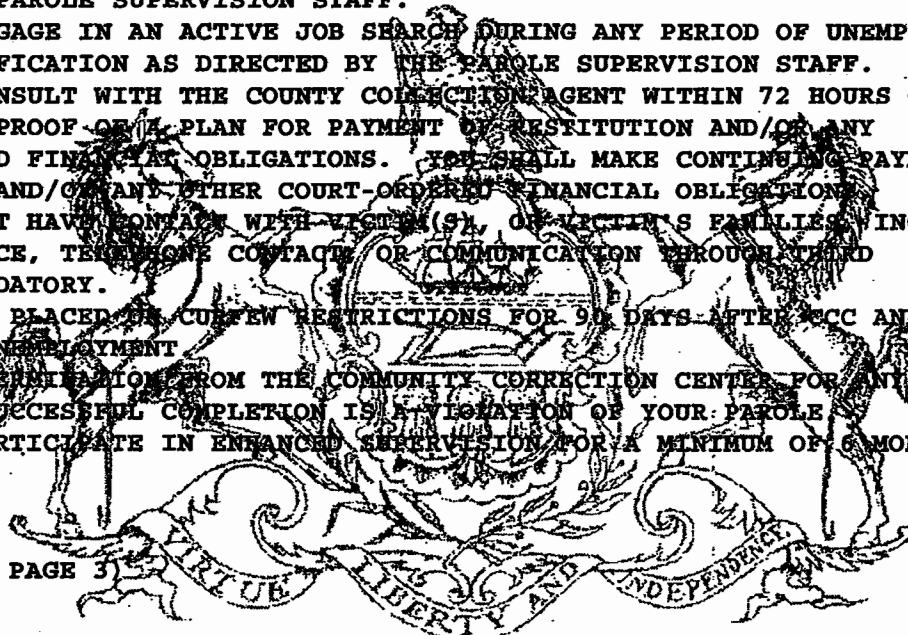
RESTITUTION AND/OR ANY OTHER COURT-ORDERED FINANCIAL OBLIGATION.  
YOU SHALL NOT HAVE CONTACT WITH VICTIM(S), OR VICTIM'S FAMILIES, INCLUDING  
CORRESPONDENCE, TELEPHONE CONTACT OR COMMUNICATION THROUGH THIRD  
PARTIES--MANDATORY.

YOU SHALL BE PLACED ON CURFEW RESTRICTIONS FOR 90 DAYS AFTER MCC AND DURING  
PERIODS OF UNEMPLOYMENT.

REMOVAL OR TERMINATION FROM THE COMMUNITY CORRECTION CENTER FOR ANY REASON  
OTHER THAN SUCCESSFUL COMPLETION IS A VIOLATION OF YOUR PAROLE.

YOU SHALL PARTICIPATE IN ENHANCED SUPERVISION FOR A MINIMUM OF 6 MONTHS AFTER

(CONTINUE ON PAGE 3)



CC: DISTRICT ATTORNEY

*Kathleen Zwierzyzna*

KATHLEEN ZWIERZYNA  
BOARD SECRETARY

INSTITUTION

NOTICE OF BOARD DECISION  
PBPP-15 (6/96)

COMMONWEALTH OF PENNSYLVANIA  
PENNA. BOARD OF PROBATION AND PAROLE

DATE: 11/29/2000

CLIENT NAME: KEVIN JESSUP  
INSTITUTION: SCI - COAL TOWNSHIP

PAROLE NO: 496AS  
INSTITUTION NO: CX8799

AS RECORDED ON 11/29/2000 THE BOARD OF PROBATION AND PAROLE RENDERED THE  
FOLLOWING DECISION IN YOUR CASE:

(CONTINUED FROM PAGE 2)

CCC--MANDATORY.

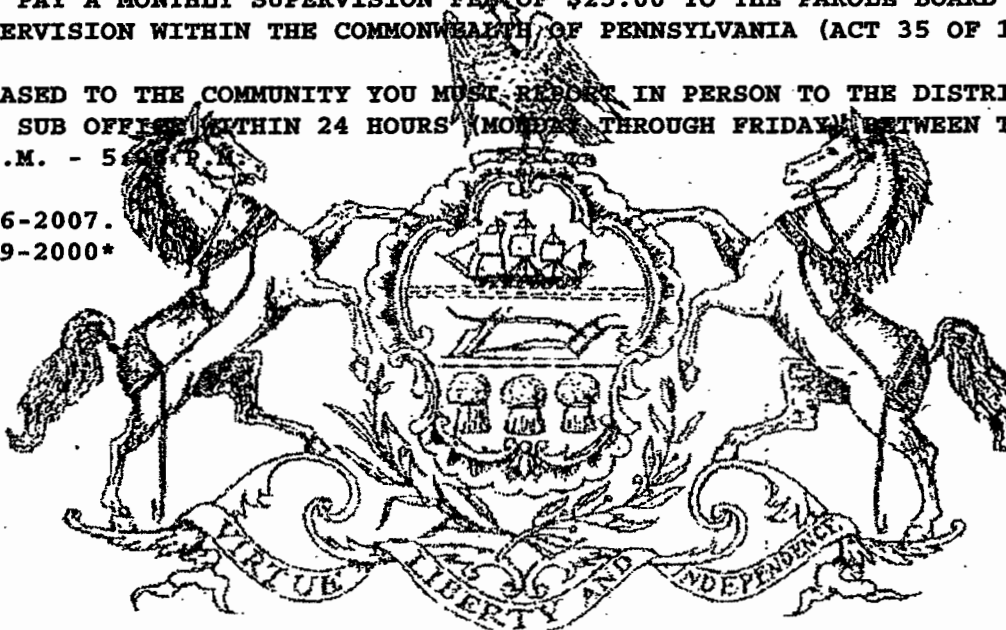
POSSESSION OF FIREARMS, AMMUNITION OR WEAPONS OF ANY KIND IS A DIRECT  
VIOLATION OF PAROLE AND WILL RESULT IN IMMEDIATE ARREST--MANDATORY.

YOU SHALL PAY A MONTHLY SUPERVISION FEE OF \$25.00 TO THE PAROLE BOARD WHEN  
UNDER SUPERVISION WITHIN THE COMMONWEALTH OF PENNSYLVANIA (ACT 35 OF 1991).

WHEN RELEASED TO THE COMMUNITY YOU MUST REPORT IN PERSON TO THE DISTRICT  
OFFICE OR SUB OFFICE WITHIN 24 HOURS (MONDAY THROUGH FRIDAY) BETWEEN THE HOURS  
OF 8:30 A.M. - 5:00 P.M.

MAX. 01-26-2007.

\*SLR 11-29-2000\*



CC: DISTRICT ATTORNEY

INSTITUTION

*Kathleen Zwierzyzna*

KATHLEEN ZWIERZYNA  
BOARD SECRETARY

NOTICE OF BOARD DECISION  
PBPP-15(6/96)

COMMONWEALTH OF PENNSYLVANIA  
PENNA. BOARD OF PROBATION AND PAROLE

TT/Coa

DATE: 03/14/2002

02 MAR 20 PM 12:51

CLIENT NAME: KEVIN JESSUP  
INSTITUTION: SCI - GRATERFORD

PAROLE NO: 496AS  
INSTITUTION NO: CX8799

AS RECORDED ON 03/14/2002 THE BOARD OF PROBATION AND PAROLE RENDERED THE  
FOLLOWING DECISION IN YOUR CASE:

REFER TO BOARD ACTION OF 10/24/2001 TO DETAIN PENDING DISPOSITION OF CRIMINAL  
CHARGES; AND NOW -

RECOMMIT TO A STATE CORRECTIONAL INSTITUTION AS A TECHNICAL PAROLE VIOLATOR TO  
SERVE 18 MONTHS BACKTIME, WHEN AVAILABLE.

- 18 MONTHS FOR MULTIPLE TECHNICAL PAROLE VIOLATIONS.
  - CONDITION #2, CHANGE OF RESIDENCE WITHOUT PERMISSION.
  - CONDITION #7, (2 COUNTS).
  - COUNT 1, FAILURE TO SUCCESSFULLY COMPLETE COMMUNITY PAROLE CENTER PROGRAM  
AT VOLUNTEERS OF AMERICA.
  - COUNT 2, POSSESSION OF CELL PHONE.
- EVIDENCE RELIED ON FOR YOUR ADMISSION, DOCUMENTED PBPP FORM  
REASONS: EARLY FAILURE ON PAROLE, DECLARED DELINQUENT BY THE BOARD.  
VIOLATIONS ESTABLISHED.

WHILE CONFINED, YOU MUST COMPLY WITH THE INSTITUTION'S PRESIDENTIAL PROGRAM  
REQUIREMENTS AND HAVE NO MISCONDUCTS.  
YOU MUST PARTICIPATE IN DRUG AND ALCOHOL COUNSELING.

(CONTINUE ON PAGE 2)

CC: PUBLIC DEFENDER

ADVANCE COPY FOR D.O.C.  
NOT FOR DISTRIBUTION TO INMATE

Rec Sup  
INSTITUTION  
SCI-G

Kathleen Zwierzyzna  
KATHLEEN ZWIERZYNA  
BOARD SECRETARY

NOTICE OF BOARD DECISION  
PBPP-15(6/96)

COMMONWEALTH OF PENNSYLVANIA  
PENNA. BOARD OF PROBATION AND PAROLE

DATE: 03/14/2002

CLIENT NAME: KEVIN JESSUP  
INSTITUTION: SCI - GRATERFORD

PAROLE NO: 496AS  
INSTITUTION NO: CX8799

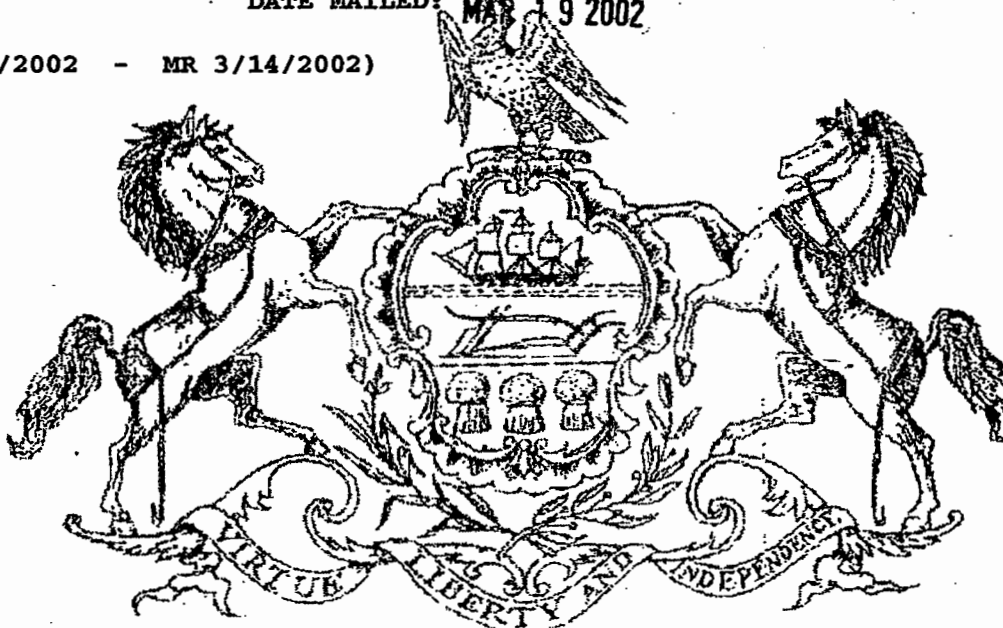
AS RECORDED ON 03/14/2002 THE BOARD OF PROBATION AND PAROLE RENDERED THE  
FOLLOWING DECISION IN YOUR CASE:

(CONTINUED FROM PAGE 1)

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST FILE A REQUEST FOR  
ADMINISTRATIVE RELIEF WITH THE BOARD WITHIN THIRTY DAYS OF THIS ORDER.  
THIS REQUEST SHALL SET FORTH SPECIFICALLY THE FACTUAL AND LEGAL BASIS FOR  
THE ALLEGATIONS. SEE 37 PA CODE SEC. 73. YOU HAVE THE RIGHT TO AN  
ATTORNEY IN THIS APPEAL AND IN ANY SUBSEQUENT APPEAL TO THE COMMONWEALTH  
COURT.

DATE MAILED: MAR 19 2002

(H.R. 1/9/2002 - MR 3/14/2002)



CC: PUBLIC DEFENDER

INSTITUTION

*Kathleen Zwierzyzna*

KATHLEEN ZWIERZYNA  
BOARD SECRETARY



COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE

1101 S. Front Street  
Harrisburg, Pa. 17104 - 2519

NOTICE OF BOARD DECISION

NAME: KEVIN JESSUP

PAROLE NO: 496AS

INSTITUTION: SCI - COAL TOWNSHIP

INSTITUTION NO: CX8799

AS RECORDED ON MAY 06, 2003 THE BOARD OF PROBATION AND PAROLE RENDERED  
THE FOLLOWING DECISION IN YOUR CASE:

REFER TO BOARD ACTION OF 3/14/2002 TO RECOMMIT TO A STATE CORRECTIONAL  
INSTITUTION AS A TECHNICAL PAROLE VIOLATOR TO SERVE 18 MONTHS BACKTIME WHEN  
AVAILABLE AND NOW;

RECOMMIT TO A STATE CORRECTIONAL INSTITUTION AS A CONVICTED PAROLE VIOLATOR TO  
SERVE 18 MONTHS CONCURRENTLY, FOR A TOTAL OF 18 MONTHS BACKTIME, WHEN  
AVAILABLE.

- 18 MONTHS FOR THE OFFENSES OF POSSESSION WITH INTENT TO DISTRIBUTE  
COCAINE BASE-CRACK, POSSESSION WITH INTENT TO DISTRIBUTE COCAINE BASE-CRACK  
WITHIN 1,000 FEET OF SCHOOL, FELON IN POSSESSION OF A FIREARM AND POSSESSION  
OF A FIREARM IN FURTHERANCE OF A DRUG TRAFFICKING CRIME.  
EVIDENCE RELIED ON: CERTIFIED COPY OF COURT RECORD PROVING CONVICTIONS.  
REASON: CONVICTIONS IN A COURT OF RECORD ESTABLISHED.

WHILE CONFINED, YOU MUST COMPLY WITH THE INSTITUTION'S PRESCRIPTIVE PROGRAM  
REQUIREMENTS AND HAVE NO MISCONDUCTS.  
YOU MUST PARTICIPATE IN DRUG AND ALCOHOL COUNSELING.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST FILE A REQUEST FOR  
ADMINISTRATIVE RELIEF WITH THE BOARD WITHIN THIRTY DAYS OF THIS ORDER.  
THIS REQUEST SHALL SET FORTH SPECIFICALLY THE FACTUAL AND LEGAL BASIS FOR

(CONTINUE ON PAGE 2)

CC: PUBLIC DEFENDER

*Rev Sup*  
INSTITUTION

*sci CT*

**ADVANCE COPY FOR D.O.C.  
NOT FOR DISTRIBUTION TO INMATE**

PAROLE NO: 496AS

(CONTINUED FROM PAGE 1)

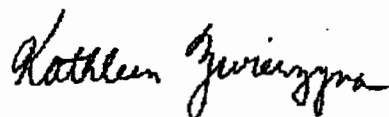
THE ALLEGATIONS. SEE 37 PA CODE SEC. 73. YOU HAVE THE RIGHT TO AN ATTORNEY IN THIS APPEAL AND IN ANY SUBSEQUENT APPEAL TO THE COMMONWEALTH COURT. DATE MAILED:

{H.R. 4/28/2003 - MR 5/6/2003}

MAY 12 2003

CC: PUBLIC DEFENDER

INSTITUTION



Kathleen Zwierzyna  
Board Secretary



COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE

1101 S. Front Street  
Harrisburg, Pa. 17104 - 2519

NOTICE OF BOARD DECISION

NAME: KEVIN JESSUP  
INSTITUTION: SCI - COAL TOWNSHIP

PAROLE NO: 496AS  
INSTITUTION NO: CX8799

AS RECORDED ON DECEMBER 02, 2003 THE BOARD OF PROBATION AND PAROLE RENDERED THE FOLLOWING DECISION IN YOUR CASE:

REFER TO BOARD ACTION OF 05/06/2003 TO RECOMMIT TO A STATE CORRECTIONAL INSTITUTION AS A TECHNICAL PAROLE VIOLATOR AND AS A CONVICTED PAROLE VIOLATOR TO SERVE A TOTAL OF 18 MONTHS BACKTIME.

WHILE CONFINED, YOU MUST COMPLY WITH THE INSTITUTION'S PRESCRIPTIVE PROGRAM REQUIREMENTS AND HAVE NO MISCONDUCTS.  
YOU MUST PARTICIPATE IN DRUG AND ALCOHOL COUNSELING.

LIST FOR REPAROLE-REVIEW ON THE NEXT AVAILABLE DOCKET.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST FILE A REQUEST FOR ADMINISTRATIVE RELIEF WITH THE BOARD WITHIN THIRTY DAYS OF THIS ORDER. THIS REQUEST SHALL SET FORTH SPECIFICALLY THE FACTUAL AND LEGAL BASIS FOR THE ALLEGATIONS. SEE 37 PA CODE SEC. 73. YOU HAVE THE RIGHT TO AN ATTORNEY IN THIS APPEAL AND IN ANY SUBSEQUENT APPEAL TO THE COMMONWEALTH COURT.

DATE MAILED: DEC 08 2003  
[JEM 12/02/2003]

PAROLE VIOLATION MAX DATE: 02/16/2008

CC: PUBLIC DEFENDER  
CC: PUBLIC DEFENDER

*Rec Sup-Sci-cr*  
INSTITUTION

ADVANCE COPY FOR D.O.C.  
NOT FOR DISTRIBUTION TO INMATE

A handwritten signature in cursive script, appearing to read "C. Myers".

Charles Myers  
Acting Board Secretary



COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE

1101 S. Front Street  
Harrisburg, Pa. 17104 - 2519

NOTICE OF BOARD DECISION

NAME: KEVIN JESSUP  
INSTITUTION: SCI - COAL TOWNSHIP

PAROLE NO: 496AS  
INSTITUTION NO: CX8799

AS RECORDED ON MARCH 05, 2004 THE BOARD OF PROBATION AND PAROLE RENDERED THE FOLLOWING DECISION IN YOUR CASE:

FOLLOWING AN INTERVIEW WITH YOU AND A REVIEW OF YOUR FILE, AND HAVING CONSIDERED ALL MATTERS REQUIRED PURSUANT TO THE PAROLE ACT OF 1941, AS AMENDED, 61 P.S. § 331.1 ET SEQ., THE BOARD OF PROBATION AND PAROLE, IN THE EXERCISE OF ITS DISCRETION, HAS DETERMINED AT THIS TIME THAT: YOUR BEST INTERESTS DO NOT JUSTIFY OR REQUIRE YOU BEING PAROLED/REPAROLED; AND, THE INTERESTS OF THE COMMONWEALTH WILL BE INJURED IF YOU WERE PAROLED/REPAROLED. THEREFORE, YOU ARE REFUSED PAROLE/REPAROLE AT THIS TIME. THE REASONS FOR THE BOARD'S DECISION INCLUDE THE FOLLOWING:

THE RECOMMENDATION MADE BY THE DEPARTMENT OF CORRECTIONS.

YOUR INSTITUTIONAL BEHAVIOR, INCLUDING REPORTED MISCONDUCTS OR CCC FAILURE.

YOU WILL BE REVIEWED IN OR AFTER SEPTEMBER, 2004, OR EARLIER, IF RECOMMENDED BY THE DEPARTMENT OF CORRECTIONS.

AT YOUR NEXT INTERVIEW, THE BOARD WILL REVIEW YOUR FILE AND CONSIDER:

WHETHER YOU HAVE RECEIVED A FAVORABLE RECOMMENDATION FOR PAROLE FROM THE DEPARTMENT OF CORRECTIONS.

WHETHER YOU HAVE RECEIVED A CLEAR CONDUCT RECORD AND COMPLETED THE DEPARTMENT OF CORRECTIONS' PRESCRIPTIVE PROGRAM(S).

(CONTINUE ON PAGE 2)

PAROLE VIOLATION MAX DATE: 02/16/2008

INSTITUTION

RECEIVED  
SCI COAL TOWNSHIP  
04 MAR 10 PM 4:06  
RECORDS OFFICE



PAROLE NO: 496AS

(CONTINUED FROM PAGE 1)

SLS 03/05/2004

PAROLE VIOLATION MAX DATE: 02/16/2008

INSTITUTION



Charles Myers  
Acting Board Secretary



COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE

1101 S. Front Street  
Harrisburg, Pa. 17104 - 2519

NOTICE OF BOARD DECISION

NAME: KEVIN JESSUP  
INSTITUTION: SCI - COAL TOWNSHIP

PAROLE NO: 496AS  
INSTITUTION NO: CX8799

AS RECORDED ON SEPTEMBER 17, 2004 THE BOARD OF PROBATION AND PAROLE RENDERED THE FOLLOWING DECISION IN YOUR CASE:

FOLLOWING AN INTERVIEW WITH YOU AND A REVIEW OF YOUR FILE, AND HAVING CONSIDERED ALL MATTERS REQUIRED PURSUANT TO THE PAROLE ACT OF 1941, AS AMENDED, 61 P.S. § 331.1 ET SEQ., THE BOARD OF PROBATION AND PAROLE, IN THE EXERCISE OF ITS DISCRETION, HAS DETERMINED AT THIS TIME THAT: YOUR BEST INTERESTS DO NOT JUSTIFY OR REQUIRE YOU BEING PAROLED/REPAROLED; AND, THE INTERESTS OF THE COMMONWEALTH WILL BE INJURED IF YOU WERE PAROLED/REPAROLED. THEREFORE, YOU ARE REFUSED PAROLE/REPAROLE AT THIS TIME. THE REASONS FOR THE BOARD'S DECISION INCLUDE THE FOLLOWING:

YOUR VERSION OF THE NATURE AND CIRCUMSTANCES OF THE OFFENSE(S) COMMITTED.

YOUR PRIOR HISTORY OF SUPERVISION FAILURE(S).

YOUR INTERVIEW WITH THE HEARING EXAMINER AND/OR BOARD MEMBER.

YOUR NEGATIVE INTEREST IN PAROLE.

YOU WILL BE REVIEWED IN OR AFTER SEPTEMBER, 2005.

AT YOUR NEXT INTERVIEW, THE BOARD WILL REVIEW YOUR FILE AND CONSIDER:

WHETHER YOU HAVE MAINTAINED A FAVORABLE RECOMMENDATION FOR PAROLE FROM THE DEPARTMENT OF CORRECTIONS.

(CONTINUE ON PAGE 2)

PAROLE VIOLATION MAX DATE: 02/16/2008

INSTITUTION

RECORDED  
SCI COAL TOWNSHIP  
04 SEP 24 PM 3:58  
RECORDS OFFICE

PAROLE NO: 496AS

(CONTINUED FROM PAGE 1)

WHETHER YOU HAVE MAINTAINED A CLEAR CONDUCT RECORD AND COMPLETED THE  
DEPARTMENT OF CORRECTIONS' PRESCRIPTIVE PROGRAM(S).

SLS 09/17/2004

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PAROLE VIOLATION MAX DATE: 02/16/2008

INSTITUTION

*Lawrence F. Murray*

Lawrence F. Murray  
Board Secretary



COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE

1101 S. Front Street  
Harrisburg, Pa. 17104 - 2519

NOTICE OF BOARD DECISION

NAME: KEVIN JESSUP

PAROLE NO: 496AS

INSTITUTION: SCI - COAL TOWNSHIP

INSTITUTION NO: CX8799

AS RECORDED ON SEPTEMBER 23, 2005 THE BOARD OF PROBATION AND PAROLE RENDERED THE FOLLOWING DECISION IN YOUR CASE:

FOLLOWING AN INTERVIEW WITH YOU AND A REVIEW OF YOUR FILE, AND HAVING CONSIDERED ALL MATTERS REQUIRED PURSUANT TO THE PAROLE ACT, THE BOARD OF PROBATION AND PAROLE, IN THE EXERCISE OF ITS DISCRETION, HAS DETERMINED AT THIS TIME THAT: YOUR BEST INTERESTS DO NOT JUSTIFY OR REQUIRE YOU BEING PAROLED/REPAROLED; AND, THE INTERESTS OF THE COMMONWEALTH WILL BE INJURED IF YOU WERE PAROLED/REPAROLED. THEREFORE, YOU ARE REFUSED PAROLE/REPAROLE AT THIS TIME. THE REASONS FOR THE BOARD'S DECISION INCLUDE THE FOLLOWING:

THE RECOMMENDATION MADE BY THE DEPARTMENT OF CORRECTIONS.

YOUR INSTITUTIONAL BEHAVIOR, INCLUDING REPORTED MISCONDUCTS OR CCC FAILURE.

YOU WILL BE REVIEWED IN OR AFTER SEPTEMBER, 2006.

AT YOUR NEXT INTERVIEW, THE BOARD WILL REVIEW YOUR FILE AND CONSIDER:

WHETHER YOU HAVE RECEIVED A FAVORABLE RECOMMENDATION FOR PAROLE FROM THE DEPARTMENT OF CORRECTIONS.

WHETHER YOU HAVE RECEIVED A CLEAR CONDUCT RECORD AND COMPLETED THE DEPARTMENT OF CORRECTIONS' PRESCRIPTIVE PROGRAM(S).

SLS 09/23/2005

PAROLE VIOLATION MAX DATE: 02/16/2008

INSTITUTION

RECORDS OFFICE

05 OCT 24 PM 4:18

SCI - COAL TOWNSHIP

*Lawrence F. Murray*

Lawrence F. Murray  
Board Secretary

Notice of Board Decision  
PBPP 15(08/02) 1 of 1



COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE

1101 S. Front Street  
Harrisburg, Pa. 17104 - 2519

NOTICE OF BOARD DECISION

NAME: KEVIN JESSUP  
INSTITUTION: SCI - COAL TOWNSHIP

PAROLE NO: 496AS  
INSTITUTION NO: CX8799

AS RECORDED ON NOVEMBER 09, 2006 THE BOARD OF PROBATION AND PAROLE RENDERED THE FOLLOWING DECISION IN YOUR CASE:

FOLLOWING AN INTERVIEW WITH YOU AND A REVIEW OF YOUR FILE, AND HAVING CONSIDERED ALL MATTERS REQUIRED PURSUANT TO THE PAROLE ACT, THE BOARD OF PROBATION AND PAROLE, IN THE EXERCISE OF ITS DISCRETION, HAS DETERMINED AT THIS TIME THAT: YOUR BEST INTERESTS JUSTIFY YOU BEING PAROLED/REPAROLED; AND, THE INTERESTS OF THE COMMONWEALTH WILL NOT BE INJURED. THEREFORE, YOU ARE GRANTED PAROLE/REPAROLE AT THIS TIME. THE REASONS FOR THE BOARD'S DECISION INCLUDE THE FOLLOWING:

THE EXISTENCE OF DETAINERS FILED AGAINST YOU.

REPAROLE TO FEDERAL DETAINER SENTENCE. APPROVED HOME TO BE AVAILABLE.

YOU SHALL ABIDE BY THE RULES AND REGULATIONS OF THE INSTITUTION--MANDATORY.

YOU SHALL PAY A MONTHLY SUPERVISION FEE AS DETERMINED BY PAROLE SUPERVISION STAFF TO THE PAROLE BOARD WHILE UNDER SUPERVISION WITHIN THE COMMONWEALTH OF PENNSYLVANIA (ACT 35 OF 1991).

WHEN RELEASED TO THE COMMUNITY YOU MUST REPORT IN PERSON TO THE DISTRICT OFFICE OR SUB OFFICE THE NEXT BUSINESS DAY (MONDAY THROUGH FRIDAY) BETWEEN THE WORKING HOURS OF 8:30 A.M. - 5:00 P.M. THE DECISION ANNOUNCED BY THIS BOARD ACTION (PBPP-15) WILL NOT TAKE AFFECT UNTIL YOU HAVE SIGNED THE CONDITIONS (PBPP-11), AND THE RELEASE ORDERS (PBPP-10) HAVE BEEN ISSUED. YOU REMAIN

(CONTINUE ON PAGE 2)

PAROLE VIOLATION MAX DATE: 02/16/2008

CC: DISTRICT ATTORNEY

INSTITUTION

FILED 11-11-12  
11-11-12 11:11 AM



COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE

1101 S. Front Street  
Harrisburg, Pa. 17104 - 2519

NOTICE OF BOARD DECISION

NAME: KEVIN JESSUP  
INSTITUTION: SCI - COAL TOWNSHIP

PAROLE NO: 496AS  
INSTITUTION NO: CX8799

AS RECORDED ON NOVEMBER 09, 2006 THE BOARD OF PROBATION AND PAROLE RENDERED THE FOLLOWING DECISION IN YOUR CASE:

FOLLOWING AN INTERVIEW WITH YOU AND A REVIEW OF YOUR FILE, AND HAVING CONSIDERED ALL MATTERS REQUIRED PURSUANT TO THE PAROLE ACT, THE BOARD OF PROBATION AND PAROLE, IN THE EXERCISE OF ITS DISCRETION, HAS DETERMINED AT THIS TIME THAT: YOUR BEST INTERESTS JUSTIFY YOU BEING PAROLED/REPAROLED; AND, THE INTERESTS OF THE COMMONWEALTH WILL NOT BE INJURED. THEREFORE, YOU ARE GRANTED PAROLE/REPAROLE AT THIS TIME. THE REASONS FOR THE BOARD'S DECISION INCLUDE THE FOLLOWING:

THE EXISTENCE OF DETAINERS FILED AGAINST YOU.

REPAROLE TO FEDERAL DETAINER SENTENCE. APPROVED HOME TO BE AVAILABLE.

YOU SHALL ABIDE BY THE RULES AND REGULATIONS OF THE INSTITUTION--MANDATORY.

YOU SHALL PAY A MONTHLY SUPERVISION FEE AS DETERMINED BY PAROLE SUPERVISION STAFF TO THE PAROLE BOARD WHILE UNDER SUPERVISION WITHIN THE COMMONWEALTH OF PENNSYLVANIA (ACT 35 OF 1991).

WHEN RELEASED TO THE COMMUNITY YOU MUST REPORT IN PERSON TO THE DISTRICT OFFICE OR SUB OFFICE THE NEXT BUSINESS DAY (MONDAY THROUGH FRIDAY) BETWEEN THE WORKING HOURS OF 8:30 A.M. - 5:00 P.M. THE DECISION ANNOUNCED BY THIS BOARD ACTION (PBPP-15) WILL NOT TAKE AFFECT UNTIL YOU HAVE SIGNED THE CONDITIONS (PBPP-11), AND THE RELEASE ORDERS (PBPP-10) HAVE BEEN ISSUED. YOU REMAIN

(CONTINUE ON PAGE 2)

PAROLE VIOLATION MAX DATE: 02/16/2008

CC: DISTRICT ATTORNEY

INSTITUTION

NOV 10 2006  
09 11 2006

PAROLE NO: 496AS

(CONTINUED FROM PAGE 1)

UNDER THE JURISDICTION AND CONTROL OF THE DEPARTMENT OF CORRECTIONS UNTIL YOU HAVE SIGNED THE PBPP-11, AND THE PBPP-10 HAS BEEN ISSUED. THIS PBPP-15 DOES NOT AUTHORIZE YOU TO CHANGE YOUR RESIDENCE FROM ANY COMMUNITY CORRECTIONS CENTER OR GROUP HOME IN WHICH YOU MAY BE RESIDING WHEN YOU RECEIVE IT.

KLS 11/09/2006

PAROLE VIOLATION MAX DATE: 02/16/2008

CC: DISTRICT ATTORNEY

INSTITUTION



Cynthia L. Daub  
Board Secretary



COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE

1101 S. Front Street  
Harrisburg, Pa. 17104 - 2519

NOTICE OF BOARD DECISION

NAME: KEVIN JESSUP  
INSTITUTION: SCI - COAL TOWNSHIP

PAROLE NO: 496AS  
INSTITUTION NO: CX8799

AS RECORDED ON MARCH 02, 2007 THE BOARD OF PROBATION AND PAROLE RENDERED  
THE FOLLOWING DECISION IN YOUR CASE:

RESCIND BOARD ACTION OF 5-6-2003, 12-2-2003, 3-5-2004, 9-17-2004, 9-23-2005  
AND 11-9-2006; AND NOW:

REAFFIRM BOARD ACTION OF 3-14-2002 TO RECOMMIT TO A STATE CORRECTIONAL  
INSTITUTION AS A TECHNICAL PAROLE VIOLATOR TO SERVE 18 MONTHS BACKTIME, WHEN  
AVAILABLE.

(U.S. DISTRICT COURT DOCKET #02-32-1)  
WTH 03/02/2007

INSTITUTION

COAL TOWNSHIP

A handwritten signature in cursive script, reading "Cynthia L. Daub".

Cynthia L. Daub  
Board Secretary





COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE

1101 S. Front Street  
Harrisburg, Pa. 17104 - 2519

NOTICE OF BOARD DECISION

NAME: KEVIN JESSUP

PAROLE NO: 496AS

INSTITUTION: SCI - COAL TOWNSHIP

INSTITUTION NO: CX8799

AS RECORDED ON MARCH 02, 2007 THE BOARD OF PROBATION AND PAROLE RENDERED  
THE FOLLOWING DECISION IN YOUR CASE:

RESCIND BOARD ACTION OF 5-6-2003, 12-2-2003, 3-5-2004, 9-17-2004, 9-23-2005  
AND 11-9-2006; AND NOW:

REAFFIRM BOARD ACTION OF 3-14-2002 TO RECOMMIT TO A STATE CORRECTIONAL  
INSTITUTION AS A TECHNICAL PAROLE VIOLATOR TO SERVE 18 MONTHS BACKTIME, WHEN  
AVAILABLE.

(U.S. DISTRICT COURT DOCKET #02-32-1)  
WTH 03/02/2007

*Rec'd by Sec-05*  
INSTITUTION

07 MAR - 6 PM 4:50

*Cynthia L. Daub*

Cynthia L. Daub  
Board Secretary



**COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE**

1101 S. Front Street  
Harrisburg, Pa. 17104 - 2519

**NOTICE OF BOARD DECISION**

**NAME: KEVIN JESSUP**

**PAROLE NO: 496AS**

**INSTITUTION: SCI - COAL TOWNSHIP**

**INSTITUTION NO: CX8799**

AS RECORDED ON JUNE 25, 2007 THE BOARD OF PROBATION AND PAROLE RENDERED THE FOLLOWING DECISION IN YOUR CASE:

REFER TO BOARD ACTION OF 03/14/2002 TO RECOMMIT TO A STATE CORRECTIONAL INSTITUTION AS A TECHNICAL PAROLE VIOLATOR TO SERVE 18 MONTHS BACKTIME, WHEN AVAILABLE, AND NOW;

RECOMMIT TO A STATE CORRECTIONAL INSTITUTION AS A CONVICTED PAROLE VIOLATOR WHEN AVAILABLE TO SERVE 36 MONTHS CONCURRENTLY FOR A TOTAL OF 36 MONTHS BACKTIME.

-- 36 MONTHS FOR THE OFFENSES OF POSSESSION WITH INTENT TO DISTRIBUTE CRACK COCAINE; POSSESSION WITH INTENT TO DISTRIBUTE CRACK COCAINE WITHIN 1000 FEET OF A SCHOOL AND FELON IN POSSESSION OF A FIREARM AND AMMUNITION.

EVIDENCE RELIED ON: CERTIFIED COPY OF COURT RECORD PROVING CONVICTION.

REASON: CONVICTION IN A COURT OF RECORD ESTABLISHED. FIREARM USED IN ORIGINAL OFFENSE AND AGAIN IN PRESENT CASE. PRIOR FIREARMS CASES IN 1993.

WHILE CONFINED, YOU MUST COMPLY WITH THE INSTITUTION'S PRESCRIPTIVE PROGRAM REQUIREMENTS AND HAVE NO MISCONDUCTS.

YOU MUST PARTICIPATE IN DRUG AND ALCOHOL COUNSELING.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST FILE A REQUEST FOR ADMINISTRATIVE RELIEF WITH THE BOARD WITHIN THIRTY DAYS OF THIS ORDER. THIS REQUEST SHALL SET FORTH SPECIFICALLY THE FACTUAL AND LEGAL BASIS FOR THE ALLEGATIONS. SEE 37 PA CODE SEC. 73. YOU HAVE THE RIGHT TO AN ATTORNEY IN THIS APPEAL AND IN ANY SUBSEQUENT APPEAL TO THE COMMONWEALTH

(CONTINUE ON PAGE 2)

*Rec. Supr. SCI-CT*  
INSTITUTION

**ADVANCE COPY FOR D.O.C.  
NOT FOR DISTRIBUTION TO INMATE**

PAROLE NO: 496AS

(CONTINUED FROM PAGE 1)

COURT. DATE MAILED:

(H.R. 05/25/07)

CAF 06/25/2007

JUN 29 2007

INSTITUTION

*Cynthia L. Daub*

Cynthia L. Daub  
Board Secretary

Notice of Board Decision  
PBPP 15(08/02) 2 of 2



**COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE**

1101 S. Front Street  
Harrisburg, Pa. 17104 - 2519

**NOTICE OF BOARD DECISION**

NAME: KEVIN JESSUP

PAROLE NO: 496AS

INSTITUTION: SCI - COAL TOWNSHIP

INSTITUTION NO: CX8799

AS RECORDED ON APRIL 16, 2009 THE BOARD OF PROBATION AND PAROLE RENDERED THE FOLLOWING DECISION IN YOUR CASE:

REFER TO BOARD ACTION OF 6/25/2007 TO RECOMMIT TO A STATE CORRECTIONAL INSTITUTION AS A TECHNICAL AND CONVICTED PAROLE VIOLATOR TO SERVE 36 MONTHS BACKTIME.

WHILE CONFINED, YOU MUST COMPLY WITH THE INSTITUTION'S PRESCRIPTIVE PROGRAM REQUIREMENTS AND HAVE NO MISCONDUCTS.

YOU MUST PARTICIPATE IN DRUG AND ALCOHOL COUNSELING.

REVIEW IN OR AFTER NOVEMBER 2011.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST FILE A REQUEST FOR ADMINISTRATIVE RELIEF WITH THE BOARD WITHIN THIRTY DAYS OF THIS ORDER. THIS REQUEST SHALL SET FORTH SPECIFICALLY THE FACTUAL AND LEGAL BASIS FOR THE ALLEGATIONS. SEE 37 PA CODE SEC. 73. YOU HAVE THE RIGHT TO AN ATTORNEY IN THIS APPEAL AND IN ANY SUBSEQUENT APPEAL TO THE COMMONWEALTH COURT. DATE MAILED:

YKB 04/16/2009

APR 23 2009

PAROLE VIOLATION MAX DATE: 09/06/2014

*Re: Sci-Ct*  
INSTITUTION

ADVANCE COPY FOR D.O.C.  
NOT FOR DISTRIBUTION TO INMATE  
*Cynthia L. Daub*

Cynthia L. Daub  
Board Secretary

Notice of Board Decision  
PBPP 15(08/02) 1 of 1



**COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE**

1101 S. Front Street  
Harrisburg, Pa. 17104 - 2519

**NOTICE OF BOARD DECISION**

NAME: KEVIN JESSUP

PAROLE NO: 496AS

INSTITUTION: SCI - COAL TOWNSHIP

INSTITUTION NO: CX8799

AS RECORDED ON APRIL 16, 2009 THE BOARD OF PROBATION AND PAROLE RENDERED THE FOLLOWING DECISION IN YOUR CASE:

REFER TO BOARD ACTION OF 6/25/2007 TO RECOMMIT TO A STATE CORRECTIONAL INSTITUTION AS A TECHNICAL AND CONVICTED PAROLE VIOLATOR TO SERVE 36 MONTHS BACKTIME.

WHILE CONFINED, YOU MUST COMPLY WITH THE INSTITUTION'S PRESCRIPTIVE PROGRAM REQUIREMENTS AND HAVE NO MISCONDUCTS.  
YOU MUST PARTICIPATE IN DRUG AND ALCOHOL COUNSELING.

REVIEW IN OR AFTER NOVEMBER 2011.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST FILE A REQUEST FOR ADMINISTRATIVE RELIEF WITH THE BOARD WITHIN THIRTY DAYS OF THIS ORDER. THIS REQUEST SHALL SET FORTH SPECIFICALLY THE FACTUAL AND LEGAL BASIS FOR THE ALLEGATIONS. SEE 37 PA CODE SEC. 73. YOU HAVE THE RIGHT TO AN ATTORNEY IN THIS APPEAL AND IN ANY SUBSEQUENT APPEAL TO THE COMMONWEALTH COURT. DATE MAILED:

YKB 04/16/2009

PAROLE VIOLATION MAX DATE: 09/06/2014

SCI-COAL TOWNSHIP  
09 APR 23 AM 8:58  
PA. BOARD OF PROBATION  
& PAROLE

INSTITUTIONAL PAROLE OFFICE

*Cynthia L. Daub*

Cynthia L. Daub  
Board Secretary

Notice of Board Decision  
PBPP 15(08/02) 1 of 1



**COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE**

1101 S. Front Street  
Harrisburg, Pa. 17104 - 2519

**NOTICE OF BOARD DECISION**

**NAME: KEVIN JESSUP**

**PAROLE NO: 496AS**

**INSTITUTION: SCI - COAL TOWNSHIP**

**INSTITUTION NO: CX8799**

AS RECORDED ON JULY 29, 2009 THE BOARD OF PROBATION AND PAROLE RENDERED THE FOLLOWING DECISION IN YOUR CASE:

MODIFY BOARD ACTION OF 4/16/2009 BY DELETING THE REVIEW PORTION AND BY CHANGING THE PAROLE VIOLATION MAX DATE TO READ:

-- PAROLE VIOLATION MAX DATE: 7/14/2009.

REMAINDER OF THE BOARD ACTION REMAINS THE SAME.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST FILE A REQUEST FOR ADMINISTRATIVE RELIEF WITH THE BOARD WITHIN THIRTY DAYS OF THIS ORDER. THIS REQUEST SHALL SET FORTH SPECIFICALLY THE FACTUAL AND LEGAL BASIS FOR THE ALLEGATIONS. SEE 37 PA CODE SEC. 73. YOU HAVE THE RIGHT TO AN ATTORNEY IN THIS APPEAL AND IN ANY SUBSEQUENT APPEAL TO THE COMMONWEALTH COURT. DATE MAILED:

YKB 07/29/2009

JUL 29 2009

PAROLE VIOLATION MAX DATE: 07/14/2009



*Rec'd by Sec. CT*  
INSTITUTION

*Cynthia L. Daub*

Cynthia L. Daub  
Board Secretary

Notice of Board Decision  
PBPP 15(08/02) 1 of 1

PBPP-39 (Rev. 4/97)



**COMMONWEALTH OF PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE**

Name: KEVIN JESSUP

District: #1

Parole No.: 496-AS

Parole Date: 04-09-01

Inst. Paroled From: SCI-COAL TOWNSHIP

Inst. No.: CX8799

S.I.D. No.: 21714127

County, Bill &amp; Term &amp; OTN: PHILADELPHIA CO -- CP 950300033, 0033

The above-named individual who was conditionally released on parole by the Pennsylvania Board of Probation and Parole has been found by the Board to have violated the conditions of parole. Therefore, the Board, by virtue of the authority conferred on it by law, orders said individual recommitted for further imprisonment for the remainder of the unexpired maximum term, or until otherwise released or discharged according to law.

Status: X -TPV X -CPV

Conviction(s) resulting in recommitment:

09-23-02 -- U.S. DISTRICT CT -- EASTERN -- 02 CR 00032-  
01 -- CTS 1, 2, 3 -- 102 MOS CC -- CT4 -- 60 MOS CS - FCI

Recommit to: SCI-COAL TOWNSHIP

Maximum: 01-26-07

- Par/Rep/Deliq/

Bd. Warrant Date: 04-09-01

+Parole Time Added:

- Confinement Time:

- Backtime Credit: 0Y 4M 24D

Backtime Dates - From: 09-26-01 To: 02-20-02

Backtime Owed: 5Y 4M 23D

+Custody for Return: 09-23-02

Recomputed Max.: 02-16-08

Time Lost Due To:

Delinquency:

Service of Another Sentence:

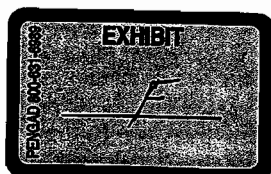
Also Recommit On:

Original Minimum Date: 01-26-01

GIVEN under the hand of the Pennsylvania Board of Probation  
and Parole this

2ND day of DECEMBER, 2003

CAM/sad



BY THE BOARD

ACTING BOARD SECRETARY

**ORDER TO RECOMMIT****COMMONWEALTH OF PENNSYLVANIA BOARD OF PROBATION AND PAROLE****Name:** KEVIN JESSUP**Inst. No:** CX8799**Parole No:** 496AS**District:** CO - Central Office**SID:** 21714127**Date Paroled:** 04/09/2001**Inst Parole From:** SCICT - SCI - Coal Township**Recommit To:** SCICT - SCI - Coal Township**Status:** ☒ TPV ☒ CPV

The above-named individual who was conditionally released on parole by the Pennsylvania Board of Probation and Parole has been found by the Board to have violated the conditions of parole. Therefore, the Board, by virtue of the authority conferred on it by law, orders said individual recommitted for further imprisonment for the remainder of the unexpired maximum term, or until otherwise released or discharged according to law.

**County, Bill & Term and OTN**

County Name	OTN	Indictment Number	Minimum Date
PHILAD	M6413794	CP 950300033	01/26/2001
PHILAD	M6413794	CP 950300033	01/26/2001

**Parole Violation Date Calculation**

**Original Maximum Date:** 01/26/2007

**- Parole/Reparole/Delinquency/Board Warrant Date:** 04/09/2001

**+ Constructive Parole Time Added:** 0D

**- Confinement Time:** 0D

**- Backtime Credit:** 147D

**= Backtime Owed:** 1971D

**+ Custody for Return:** 04/14/2009

**= Recomputed Maximum Date:** 09/06/2014

**+ Escape Time:** 0D

**= New Maximum Date:** 09/06/2014

**Backtime Dates:**

From	To	Time Period
09/26/2001	02/20/2002	147D

**Time Lost Due to:**

**Delinquency:** 0D

**Service of Another Sentence:** 0D

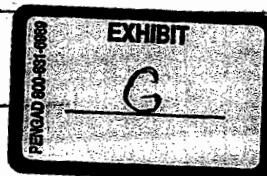
**Conviction(s) Resulting in Reccommitment**

#	Sentence Date	Sentence County	Indictment	Period	Type	Place of Confinement
2	11/24/2008	FEDERA - FEDERAL COUNTY	02CR00032-01	24 MONTHS		FED - FEDERAL
<b>Parole/Release/Max Date:</b> 04/14/2009 <b>Confined:</b> Y <b>Comments:</b> ORIGINALLY SENTENCED ON 9/23/2002 TO 162 MONTHS. CONVICTION & SENTENCE VACATED ON 11/21/2006 AND RESENTENCED ON 11/21/2006 TO 95 MONTHS. RE-SENTENCED AGAIN ON 11/24/2008 TO 24 MONTHS						

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Page 1 of 2

Last Modified Date and Time: 4/16/2009 3:35:57PM





PBPP-39  
Revised (02-04)

# ORDER TO RECOMMIT

## COMMONWEALTH OF PENNSYLVANIA BOARD OF PROBATION AND PAROLE

**Name:** KEVIN JESSUP**Inst. No:** CX8799**Parole No:** 496AS**District:** CO - Central Office**SID:** 21714127**Date Paroled:** 04/09/2001**Inst Parole From:** SCICT - SCI - Coal Township**Recommit To:** SCICT - SCI - Coal Township**Status:** ☒ TPV ☒ CPV

The above-named individual who was conditionally released on parole by the Pennsylvania Board of Probation and Parole has been found by the Board to have violated the conditions of parole. Therefore, the Board, by virtue of the authority conferred on it by law, orders said individual recommitted for further imprisonment for the remainder of the unexpired maximum term, or until otherwise released or discharged according to law.

**County, Bill & Term and OTN**

County Name	OTN	Indictment Number	Minimum Date
PHILAD	M6413794	CP 950300033	01/26/2001
PHILAD	M6413794	CP 950300033	01/26/2001

**Parole Violation Date Calculation**

**Original Maximum Date:** 01/26/2007

**- Parole/Reparole/Delinquency/Board Warrant Date:** 04/09/2001

**+ Constructive Parole Time Added:** 0D

**- Confinement Time:** 0D

**- Backtime Credit:** 147D

**= Backtime Owed:** 1971D

**+ Custody for Return:** 04/14/2009

**= Recomputed Maximum Date:** 09/06/2014

**+ Escape Time:** 0D

**= New Maximum Date:** 09/06/2014

**Backtime Dates:**

From	To	Time Repaid
09/26/2001	02/20/2002	147D

**Time Lost Due to:**

**Delinquency:** 0D

**Service of Another Sentence:** 0D

**Conviction(s) Resulting in Recommitment**

#	Sentence Date	Sentence County	Indictment	Period	Type	Place of Confinement
2	11/24/2008	FEDERA - FEDERAL COUNTY	02CR00032-01	24 MONTHS		FED - FEDERAL
<b>Parole/Release/Max Date:</b> 04/14/2009 <b>Confined:</b> Y <b>Comments:</b> ORIGINALLY SENTENCED ON 9/23/2002 TO 162 MONTHS. CONVICTION & SENTENCE VACATED ON 11/21/2006 AND RESENTENCED ON 11/21/2006 TO 95 MONTHS. RE-SENTENCED AGAIN ON 11/24/2008 TO 24 MONTHS						



PBPP-39  
Revised (02-04)

MODIFIED

(10)

## ORDER TO RECOMMIT

## COMMONWEALTH OF PENNSYLVANIA BOARD OF PROBATION AND PAROLE

Name: KEVIN JESSUP

Inst. No: CX8799

Parole No: 496AS

District: CO - Central Office

SID: 21714127

Date Paroled: 04/09/2001

Inst Parole From: SCICT - SCI - Coal Township

Recommit To: SCICT - SCI - Coal Township

Status: ☒ TPV ☒ CPV

The above-named individual who was conditionally released on parole by the Pennsylvania Board of Probation and Parole has been found by the Board to have violated the conditions of parole. Therefore, the Board, by virtue of the authority conferred on it by law, orders said individual recommitted for further imprisonment for the remainder of the unexpired maximum term, or until otherwise released or discharged according to law.

## County, Bill &amp; Term and OTN

County Name	OTN	Indictment Number	Minimum Date
PHILAD	M6413794	CP 950300033	01/26/2001
PHILAD	M6413794	CP 950300033	01/26/2001

## Parole Violation Date Calculation

Original Maximum Date: 01/26/2007

- Parole/Reparole/Delinquency/Board Warrant Date: 04/09/2001

+ Prior Parole Liberty Forfeited: 0D

- Confinement Time: 0D

- Backtime Credit: 2027D

= Backtime Owed: 91D

+ Custody for Return: 04/14/2009

= Recomputed Maximum Date: 07/14/2009

+ Escape Time: 0D

= New Maximum Date: 07/14/2009

Backtime Dates:

From	To	Time Period
09/26/2001	02/20/2002	147D
02/20/2004	04/14/2009	1880D

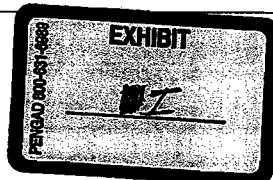
## Time Lost Due to:

Delinquency: 0D

Service of Another Sentence: 0D

## Conviction(s) Resulting in Recommitment

#	Sentence Date	Sentence County	Indictment	Period	Type	Place of Confinement
2	11/24/2008	FEDERA - FEDERAL COUNTY	02CR00032-01	24 MONTHS		FED - FEDERAL
Parole/Release/Max Date: 04/14/2009 Confined: Y						
Comments: ORIGINALLY SENTENCED ON 9/23/2002 TO 162 MONTHS. CONVICTION & SENTENCE VACATED ON 11/21/2006 AND RESENTENCED ON 11/21/2006 TO 95 MONTHS. RE-SENTENCED AGAIN ON 11/24/2008 TO 24 MONTHS						



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Page 1 of 2

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